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House of Representatives

The House met at 10 a.m.

His Holiness Karekin II, Supreme Patriarch and Catholicos of all Armenians, Etchmiadzin, Armenia, offered the following prayer:

Almighty Lord and God, light to all nations, help us walk in Your light to advance the cause of freedom and human dignity in America, where democracy has grown strong over two centuries, and in Armenia, a new republic with strong hopes, and to make wise decisions of law on behalf of real people and real pain.

Lord, bless the American people and their servants who bear the privilege and burden of leadership. Also bless the Armenian people who are celebrating the 1700th anniversary of their ancestors' proclamation of Christianity as a state religion in Armenia. Unite the diverse peoples of the world into one sacred family, that we might share our stories and dreams in Your Holy Name.

For to You is glory, power, and honor, always and unto the ages of ages. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 1727. An act to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

H. Con. Res. 76. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

H. Con. Res. 79. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 87. Concurrent resolution authorizing the 2001 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 40. Concurrent resolution expressing the sense of Congress regarding the designation of the week of May 20, 2001, as ''National Emergency Medical Services Week''.

S. Con. Res. 41. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, reappoints Michael K. Young, of Washington, D.C., to the United States Commission on International Religious Freedom.

The message also announced that pursuant to Public Law 106–554, the Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, appoints the Senator from Massachusetts (Mr. KERRY) to the Board of Directors of the Vietnam Education Foundation.

WELCOME TO HIS HOLINESS KAREKIN II

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

Mr. KNOLLENBERG. Mr. Speaker, I am honored to come to the floor today and help welcome His Holiness Karekin II, the Supreme Patriarch and Catholicos of all Armenians. Welcome to the U.S. House of Representatives.

I thank His Holiness for offering such a wonderful prayer. I also want to thank the House chaplain for allowing the opportunity to celebrate this very special occasion.

His Holiness Karekin II is the 132nd in a continuous line of pontiffs of the Armenian Church dating back to the 4th century. As the chief shepherd of the world's 7 million Apostolic Christians, Catholicos Karekin II administers the Armenian Church from the Mother See of Holy Etchmiadzin located in the Republic of Armenia.

This year marks the 1700th anniversary of Armenia's conversion to Christianity. Armenians throughout America have waited with great anticipation for this special visit in celebration of this extraordinary anniversary.

Mr. Speaker, I join all Armenian Americans and Armenian supporters throughout the United States in thanking His Holiness for making this trip to America and being with us here today.

ARMENIA'S 1700TH ANNIVERSARY OF PROCLAIMING CHRISTIANITY AS OFFICIAL RELIGION

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

Mr. PALLONE. Mr. Speaker, I also would like to thank His Holiness Karekin II for providing this morning's prayer and for helping this House celebrate the 1700th anniversary of the

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world's first Christian nation, Armenia. It was 1700 years ago that the leader of the Kingdom of Armenia, the pagan King Drtad III, was baptized as a Christian and made the historic decision to proclaim Christianity as the official religion of the Armenian kingdom. It is the anniversary of this event that brings His Holiness to the United States this month.

I will be fortunate to join him at what should be one of the largest gatherings of Armenian Americans in New York City's Central Park this upcoming Memorial Day weekend.

His Holiness will also be the honored guest at an ecumenical prayer service next week at the National Shrine of the Immaculate Conception here in Washington.

Mr. Speaker, I want to thank His Holiness for gracing this House with his presence this morning and for making this trip to the United States. It not only means a lot to me but to the millions of diaspora Armenians and Americans of other faiths who will have the opportunity to hear his words during this visit.

A CHILD'S SUCCESS IS DEPENDENT ON ABILITY TO READ

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

Mr. GIBBONS. Mr. Speaker, a child's success in school and, indeed, in life is dependent upon his or her ability to read. Unfortunately, reading scores in most States have remained flat or even dropped over the last 8 years, and the reading achievement gap between white students and minority students has widened even further.

These disappointing results are yet more evidence that simply spending more money on education does not necessarily improve student achievement.

President Bush's Reading First Initiative gives States both the funds and the tools they need to eliminate the reading deficit. It focuses on effective proven methods of reading instruction based on proven scientific research.

Research continues to show that reading failure has devastating effects on self-esteem, social development, and opportunities for advanced education and meaningful employment. By funding effective reading instruction programs, President Bush's plan, H.R. 1, ensures that more children will receive the help they need before they fall further behind.

CHINA SHOULD OPEN DIALOGUE WITH TIBET

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

Mr. LANTOS. Mr. Speaker, Monday evening a bipartisan group of us went to New York to welcome the democratically-elected President of Taiwan Chen Shui-Bian. What a joy it was to see the leader of a country that was destitute and dictatorial just a few decades ago, and it is now a political democracy and one of the most successful economies on the face of this planet.

This morning, Mr. Speaker, I welcome on behalf of scores of our colleagues across both sides of this aisle His Holiness the Dhali Lama, a man of remarkable moral authority, who speaks truth to power. I call on the Chinese Government in Beijing to begin a dialogue with this great leader so that the Tibetan people at long last can live, preserving their cultural and religious heritage.

The Dhali Lama honors us with his presence and all of us in this body are delighted to welcome him to the United States.

FATHER EMIL KAPAUN, A TRUE AMERICAN HERO

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

Mr. TIAHRT. Mr. Speaker, I rise today to honor a true American hero, a priest, soldier and POW, Chaplain Emil Kapaun. Today, we remember that 50 years ago Father Kapaun died in a Communist POW camp during the Korean war.

A chaplain in the United States Army's Eighth Cavalry Regiment, Father Kapaun and his unit found themselves in a perilous situation on the Korean battlefield. A wounded soldier lay completely exposed and could not be accessed because of intense machine gun and small arms fire.

With total disregard for his personal safety, Father Kapaun went after the wounded man and successfully evacuated him, saving his life. Later, captured and as a prisoner of war, Father Kapaun continued to minister to his flock of fellow POWs. He encouraged and inspired others by his peaceful, courageous demeanor. He continually risked his health and life by giving all he had to his fellow soldiers.

Ultimately, these acts of selflessness contributed to his own untimely death.

So today on the 50th anniversary of his death, we honor his courage and reflect on the heroism and the spiritual devotion of this great man.

WITHOUT GOD HONORED BY OUR NATION, EVEN THE DECLARATION OF INDEPENDENCE WILL NOT SAVE US

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

Mr. TRAFICANT. Arizona public schools will begin each day by reciting the Declaration of Independence. I applaud Arizona, but it is not enough.

America was founded on religious freedom, guaranteeing that there would not be one state-sponsored religion, but the Founders never intended to outlaw, to prohibit and to kill school prayer.

The Declaration of Independence was drafted to ensure rights, not to limit rights. All schools in America should have the right to allow school prayer if they should choose to do so, period. And America, without God, will not be saved by the Declaration of Independence.

I yield back the rape, murder, drugs, guns, and violence in America's schools.

MILLIONS IN AMERICA SUFFER FROM BLINDNESS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, over 1 million Americans are legally blind and 80 million Americans are at risk for developing diseases that potentially can cause blindness. Currently, more than 6 million Americans suffer from retinal degenerative diseases. In my State of Florida, an estimated 1 million people are affected by these problems.

My constituents, Ilana Lidsky and her husband Patrick McGuinn, have traveled to our Nation's Capitol today to learn about recent gene therapy that has actually given sight to Lancelot, a Briard dog born with a blinding genetic mutation. This recent National Eye Institute-supported research that has given sight to Lancelot holds promise for children born blind and for persons like Ilana and her siblings who suffer from retinitis pigmentosa, a disease that may lead to blindness.

□ 1015

Today, eye and vision disorders cost society $38 billion every year, and this cost will escalate unless existing research opportunities are vigorously pursued.

The Alliance for Eye and Vision Research and the Foundation Fighting Blindness are to be congratulated for their gene therapy research that will soon find a cure for blindness.

IN HONOR OF CAPTAIN G. RUSSELL BROWN

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

Mr. CROWLEY. Mr. Speaker, I rise today to recognize Captain G. Russell Brown, a native of Astoria, Queens, New York. After almost 40 years of service, Captain Brown is retiring from serving our Nation in the United States Navy. During the course of his career, Captain Brown has been willing to make tremendous sacrifices for his country. He has given his life to service of his country in our Navy.

He entered the Navy in 1962 and began to work at the Hospital Corps

School 2 years later. He served our Nation in Vietnam and after his return, he served posts in the Navy throughout the world. During the last 30 years, Captain Brown has served in California, Germany, Italy and Midway Island. Throughout that entire time, he has always been willing to sacrifice for his country.

Captain Brown, along with his wife, the former Gillian Ann Collett of Reading, England, has 2 daughters, Rebecca Evelyn and Heather Ann.

On behalf of the people he has served for so many years, I would like to thank him for his service to our Navy and our country. I would also like to offer his family the best of luck as he moves into life outside of our Armed Forces.

PEACE AND PROSPERITY FOR INDONESIA

(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, I rise today to urge the government of Indonesia to ensure that the roots of democracy are firmly established so the Indonesian people can enjoy peace and prosperity now and in the future. President Wahid should be commended for the steps he has taken to help build a foundation for democracy, and other leaders in Indonesia should be encouraged to build on that foundation.

Unfortunately, there are individuals and organizations who desire to foment violence, bloodshed and destruction in communities in the Malukus, Aceh, Irian Jaya, Padang and other regions. I urge the government of Indonesia to bring to justice those responsible for recent and past criminal attacks against the Indonesian people and to assure that those criminal leaders are prosecuted, especially Malaskar Jihad, who committed violence against Muslims and Christians in the Malukus.

Mr. Speaker, I urge the government of Indonesia to ensure that perpetrators of crime in Indonesia are punished for their crimes and brought to justice.

ENERGY CRISIS LOOMS AS REPUBLICAN ADMINISTRATION DOES NOTHING

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

Mr. MCDERMOTT. Mr. Speaker, we are today, I think, at about the 120th day of the Republican energy follies play in this House.

When the President became President in January, everybody knew there was a crisis in California and on the West Coast generally. We met with the Vice President, who has been appointed as the Energy Czar, and explained the problems. Republicans and Democrats sat with him. The Vice President looked us in the eye and said, this is not a national problem, this is a State problem. We are not going to do anything.

Now, they have come out with a sort of weak, namby-pamby plan for energy that is going to go on 10 years from now, but does not deal with the crisis now.

The Senate has now entered the stage, stage left or stage right, if you will. They have come on the stage and they have said, we are going to pass tax cuts. The President says we need those tax cuts because we have the energy crisis. What they mean is, we are going to reduce the taxes so that people can pay more to energy companies.

Mr. Speaker, it is wrong. We should stop them.

NOMINATION OF TED OLSON SHOULD PROCEED WITHOUT DELAY

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

Mr. BARR of Georgia. Mr. Speaker, just as with Robert Bork, Clarence Thomas and most recently John Ashcroft, Washington's blood sport of lies, rumors and innuendo is in full throttle.

Aided by their liberal friends at The Washington Post, many Democrats have, once again, cast the truth aside and are focused on destroying the name and reputation of a fine American. In their eyes, Solicitor General nominee Ted Olson is guilty of one thing: He is conservative. The fact that he is perhaps the most qualified and well-respected individual ever nominated for this important post becomes irrelevant. His attackers are intent on punishing Ted Olson for his work on the Florida recount case, on destroying the spirit of bipartisanship promoted by President Bush, and on regaining the majority in Congress through fear and intimidation. They must not succeed.

Mr. Speaker, the American people deserve to have a Justice Department that they can trust to faithfully execute and uphold the laws of the land. We need men like John Ashcroft and Ted Olson to revitalize and restore the luster to this most important department. Let us call off the attack, calm the waters and allow the nomination of this fine American citizen to proceed without delay.

THE NORTHERN MARIANAS DELEGATE ACT

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

Mr. UNDERWOOD. Mr. Speaker, the House prides itself on being the House of the people and all of the people, and, indeed, all Americans are represented here, most fully through representatives, some 435, and the rest, somewhat, through delegates, numbering five. But there is one group of Americans that is not represented at all, and those are the people of the Northern Marianas.

Today, I am reintroducing the Northern Marianas Delegate Act, an Act to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Marianas. It is important that the Commonwealth of the Northern Marianas be accorded representation in Congress, not just for fair and just representation of an American community, whose interests are directly affected by the actions of Congress, but more importantly, for what the people of the CNMI can contribute to the Nation through their delegate. A delegate for the Northern Marianas will advance their cause and work to resolve situations and conditions as they develop, not subsequently.

We should leave no other citizens behind or alienate them from a lawmaking and policymaking process. Perpetual denial of a delegate for the CNMI is a denial of the basic right to represent oneself.

THE TIME IS NOT FOR PARTISAN SNIPING

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

Mr. KINGSTON. Mr. Speaker, liberal extremists in Washington want to adopt the California approach on energy and make it national policy. That is kind of a head-in-the-sand approach. They do not like coal, they do not like oil, they do not like nuclear power. They want everybody to be driving cars that have windmills on top of them or something like that. I am not exactly sure where their reality lands.

But the reality is, in California, demand for energy exploded over 30 percent, and yet they would not allow new power plants to be built. As a result, they had the same pollution-causing, outdated power plants now owned by the government. Well, does that not make us feel comfortable?

Mr. Speaker, the time is not for partisan sniping. The time is to say, gee whiz, maybe California did make some mistakes. It is probably not good to model national policy after them. Let us be realistic. We do need alternative energy sources. We do need research. We do need conservation. But guess what? We cannot get off of oil tomorrow. We have to keep refineries open.

Mr. Speaker, I hope that the Democrats will join the Bush administration in looking for a solution.

TRIBUTE TO RICHARD ROMERO

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

Mr. BACA. Mr. Speaker, I rise to honor an individual, a friend, and pay

tribute to the late Richard Romero from the Inland Empire, a businessman, a philanthropist, a dreamer, a community leader. Richard was a pillar of the Inland Empire. From his humble beginning in New Mexico, Richard received great success in business and in life, but Richard's greatest satisfaction came from helping others.

Recently I talked to his wife, and she said that one of the most important things about Richard was that he cared about people in the community. He felt that it was important for people to learn about reading, writing and arithmetic. Richard touched the lives of many individuals in the community by giving unselfishly.

He rescued the University of Laverne from the brink of extinction; he turned it around and helped the University of Laverne in southern California. I know, because my son will be graduating from Laverne University on Saturday of this week, and I want to thank Richard for taking the leadership and helping the University of Laverne, a private institution.

Mr. Speaker, Richard Romero reached out and touched the lives of many individuals in the Inland Empire, contributing to a variety of programs to support education of the disadvantaged. Many times he had events at his dealership. He continued to do that. The Romero dealership continues to provide scholarships for students. The Romero family is here, his son, R.J. Romero is here, and I am sure that they will continue the same tradition to improve the quality of life for all Americans.

INACTION OF BUSH ADMINISTRATION WORSENS ENERGY CRISIS IN CALIFORNIA

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

Mr. GEORGE MILLER of California. Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON) had it exactly wrong. The fact of the matter is that in California, we are using less energy than we did in 1998. In 1998, we paid $7 billion for that energy and today, we are paying 70, 7–0, $70 billion, ten times as much. Why? Because the Bush administration refuses to tell the Federal Energy Commission to enforce the Federal law for just and reasonable wholesale prices.

So the people of California who have an energy shortage because of a bad deregulation plan, because we have not built as many generators as we should, and because of a drought in the northwest, are now open to price gouging and profiteering by the energy companies.

The Federal Energy Commission has made that finding. It is not my finding, it is their finding, that these prices are not just and reasonable, but they refuse to enforce the law to put caps on at a just and reasonable price so that the energy companies will get their 15 or 20 percent return. They simply will not get to continue to gouge the people of California, the small businesses, the large businesses, people in hospitals who are having the lights go out, their life support systems turned off because of the Bush administration's inaction.

MORE FLEXIBILITY FOR SCHOOL DISTRICTS

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, technology can be a powerful means of increasing student achievement. State and local school districts are already experimenting with promising technology programs from on-line research services to distance learning initiatives. Such innovations, telecommunications and information technology programs at school libraries, for example, should be encouraged and bolstered by Federal funding.

One of the things that we know is that school districts need flexibility. Later on today as we consider the President's education plan, I will offer an amendment to allow school districts more flexibility to move money between programs. One of the programs that they will be able to move more money into is the technology area.

Mr. Speaker, I hope that my colleagues will support this flexibility for our local school districts.

ELECTION REFORM IS A PRIORITY FOR AMERICANS

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, election reform is a priority for the American people and it should be a priority for this Congress. We should never forget that 180,000 uncounted ballots were cast in Florida last November. Florida has not forgotten.

Unfortunately, election reform is not a priority with the Bush administration. The President's administration has shown no interest whatsoever in the issue of election reform. In fact, the budget that President Bush submitted to Congress provided no funds whatsoever to help States update their voting equipment.

We send people all over the world to monitor elections. If this Congress fails to act on election reform, we will forever lose our standing as the world democracy. Shame on us, Mr. Speaker.

□ 1030

A CONTINUING ENERGY CRISIS

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

Mr. EHLERS. Mr. Speaker, I want to talk about the energy issue we have before us. Remember back in 1973, when we had long lines at gas pumps? People were very upset. We engaged in a desperate effort to reduce our energy consumption and to do a better job of using our resources, but once the crisis was over, we forgot about it. Today we are facing a similar situation. If we do not get control of it, once again we will have long gas lines and high prices.

It is very important for us to remember a few things. Let me just speak as a physicist for a moment.

Energy is hard to understand. It is intangible. We cannot see or touch it. But two important things we have to remember throughout this crisis.

Number 1, energy is our most basic natural resource. Without energy, we cannot use any other natural resource. We cannot dig iron or copper out of the ground. We cannot smelt it or fabricate it unless we have energy. Energy is crucial to our economy.

The second major point to remember is that energy is our only nonrecyclable resource. We must conserve energy. Once we use it, it is gone. We cannot consume all our resources and just assume the problem will go away.

SUPPORTING AMENDMENTS TO RESTORE FLEXIBILITY PORTIONS OF THE PRESIDENT'S EDUCATION PLAN

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

Mr. SCHAFFER. Mr. Speaker, in just a few minutes the House will bring back up H.R. 1, the House version of the education proposal that was originally proposed by our President. In this document, Leave No Child Behind, it is a good document that the President proposed, a good balance with respect to how we should reform our schools for America.

What the President proposed was school choice, the hallmark of the Republican message on education, and also flexibility, and also, additional testing mandates. All that is left in the bill, however, at this point, as the House considers it, is really the testing mandates and some additional spending.

But today we have a unique opportunity here on the floor. That is to restore the core portions of the President's bill that have been taken out prior to the bill's arrival here on the House floor. We will have a chance to vote on amendments to allow children trapped in failing schools to escape those schools and go to institutions that offer more promise and opportunity, and we will have an opportunity to vote on a few amendments that restore some of the flexibility portions that the President had originally proposed.

I hope those amendments pass, because if we fail to add those important amendments back to the President's

plan, we will have delivered him a substantive defeat. I am hopeful that Republicans can pull together and deliver our President the victory he deserves.

NO CHILD LEFT BEHIND ACT OF 2001

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to House Resolution 143 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1033

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 22, 2001, amendment No. 9 printed in House Report 107–69 offered by the gentleman from Ohio (Mr. TIBERI) had been disposed of.

It is now in order to consider amendment No. 10 printed in House Report 107–69.

AMENDMENT NO. 10 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, pursuant to the rule, I offer amendment No. 10.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HOEKSTRA:

In section 701 of the bill, in subparagraph (A) of section 7203(b)(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 701), strike ''may transfer'' and all that follows through the end of such subparagraph and insert the following:

may transfer—

''(i) not more than 50 percent of the funds allocated to it under each of the provisions listed in paragraph (2) for a fiscal year to 1 or more of its allocations for such fiscal year under any other provision listed in paragraph (2); or

''(ii) not more than 75 percent of the funds allocated to it under each of the provisions listed in paragraph (2) for a fiscal year to 1 or more of its allocations for such fiscal year under any other provision listed in paragraph (2), if the local educational agency obtains State approval before making such transfer.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed will each control 10 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise not claimed in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1 minute.

Currently, H.R. 1 gives local school districts a new opportunity to use some of their Federal funds in a way that will benefit their students. This transferability option will allow school districts to transfer up to 50 percent of the money they receive from four Federal programs, grant programs. They can move these monies between the programs or into Title I.

This is an important step forward in giving local education officials, those who know the names of their students, the ability to spend Federal funds the way they believe will improve student achievement, not the way a bureaucratic in Washington tells them to.

Transferability is a positive way to give school districts some flexibility in how they spend their money. I believe that we should go even further. That is why I have offered this amendment. This amendment will allow a school district to go above the current 50 percent gap and give them the option to transfer up to 75 percent of their Federal formula grant funds between programs if they receive approval from their States.

I hope my colleagues will agree that this is an important step forward in flexibility, and I encourage them to support this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to this amendment. This legislation and this bipartisan agreement, and it is bipartisan reporting from the committee, takes an unprecedented step in expanding the transferability at the local level so that local school districts can make a determination about the application of those resources.

But this legislation also understands that these programs are not about some Washington bureaucrat. These programs are about the Congress of the United States saying these are areas that we believe there should be an important commitment of resources: safe and drug-free schools, teacher quality improvement, innovative strategies and technology.

These are articulations of the congressional will on a bipartisan basis certainly over the last 10 or 15 years that these are either emerging areas that need attention and the Federal dollars ought to be applied there, because there are areas where there are deficits, but at the same time in this legislation we have taken the unprecedented step to say that we can have transferability of 50 percent of the money, because in some instances it makes sense to allow them to double up the resources on a short-term basis to improve the quality of teachers, or to purchase technology so they can ramp it up and get it running and get on their way.

But the Hoekstra amendment is simply an amendment that goes too far. It is violative of the bipartisan agreement we have. It is violative of the vote in the committee reporting this to the floor. It recognizes the tension between a full-blown block grant and the notion that we ought to have improved flexibility at the local level.

That is what we decided on doing. That is what we decided on as a committee to do, to see whether or not over the next 5 years we could see how this transferability takes place.

We ought to honor that agreement. It is a rational agreement and makes sense. It also keeps faith with the congressional priorities that this Congress has determined we ought to be using Federal dollars for in the poorest schools with the poorest performing children, because, after all, that is a program that we have before us today to help make up those deficits in teacher qualifications in the poorer schools, in lacking technology in the poorer schools.

I would hope that the Congress and the House would stay with the bipartisan agreement that we have.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague, the gentleman from Michigan, for offering the amendment. I do understand the concern of some on each side of the aisle over giving local districts more flexibility, but let us go and look at why we have this in the bill today.

As was pointed out, we make sure that the money gets to the schools under the targeting that is already in the bill. Then we make sure that under Title I, which is the largest chunk of money, that we could transfer money into title 1 but could not transfer any money out of it.

Secondly, we also wall off, under the current bill, the bilingual education money and programs. So we are talking about basically four funding streams that we are giving local districts, every local district, the opportunity to move at least half of the money in those four funding streams between programs or into Title I.

The amendment before us says, let us allow a local district to transfer up to 75 percent of the funds, again, just among those four funding streams. Why do we want to give districts this flexibility? Because we have teacher and professional development monies, we have technology money, we have an innovative grant program, and we have to spend the money today in those particular funding streams.

Under the 50 percent local flexibility, we have some ability to transfer, but I think the amendment offered by the gentleman from Michigan is a good one. It says we can do 75 percent. Why is this good? Because let us say that we

want to put computers in every classroom, so we can take the technology money and do that, but if we do not have teachers who are equipped to teach their students how to use the computers, maybe the first step ought to be to do the teacher training and the professional development.

What in fact that would do, we might want to be able to transfer money out of technology into the teacher training part to make sure that they are trained before we get the equipment. This kind of local flexibility we think will produce much better results.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), the ranking member of the subcommittee.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I believe this amendment would cross the line between preserving focused educational priorities and eliminating national areas of need. I ask Members to oppose it.

Currently, this bipartisan bill allows school districts to transfer up to 50 percent of a program's allocation. This maintains the bipartisan priorities identified in the ESEA. By allowing transfers of 75 percent, the significant focus on the areas of school safety, teacher quality, and technology will be diluted.

Mr. Chairman, the bill's current provisions allowing for a 50 percent transfer from a program strikes the right balance between flexibility and accountability. I would urge Members to reject this amendment. We have worked very, very carefully, and this is a very important part of the bipartisan agreement. I would urge Members to recognize that. This 75 percent amendment really, to my mind, violates the bipartisan effort that we have put into this bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman for yielding time to me. I appreciate the debate that is taking place on this amendment.

Mr. Chairman, I rise in support of this amendment. Of course, this amendment really addresses a small part of the bill that provides a little bit of flexibility to school districts.

Now, the President and his plan, Leave No Child Behind Act of 2001, proposed something much bigger. He said that what he had suggested was that under his program, States and districts would be free from categorical program requirements in return for submitting 5-year performance agreements.

This portion of the President's plan, of course, has been left out of the bill. But what we have instead is a portion that allows a tiny little bit of Federal funds to be transferred between some programs at the district level, and in those programs, only 50 percent of the dollars that are allocated, just 50 percent.

This does not include Title I, which is where the real money is in Federal funds back to States. So we are really talking here, Mr. Chairman, about probably 1 percent or less of the dollars that go to local districts, and we are having a debate over whether they should be able to shift 50 percent of that tiny percentage, or, as the gentleman from Michigan (Mr. HOEKSTRA) has proposed in his amendment, 75 percent.

This is a debate about minutiae, frankly, but it is a good debate because it is a small step in the right direction. But the tenor of the debate I think speaks volumes about why so much of the President's bill has been left behind here on the floor, because as my colleague, the gentleman from California, stated in his arguments against the amendment, he said this was a bad amendment because it violates the bipartisan agreement that we have here between Republicans and Democrats.

So we define the merits of the legislation based on which group of politicians have agreed to the underlying bill that is before us. If the amendment violates this agreement among politicians, then it is a bad amendment.

Mr. Chairman, this amendment benefits children. At some point during today's debate, we ought to think about them. I have to tell the Members, my friends back home in Colorado, school board administrators and others, they do not care whether there is an agreement between politicians, what they want is the flexibility to spend dollars on the priorities that help kids. That is what this amendment does, and why I ask for its adoption.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), chairman of the subcommittee.

□ 1045

Mr. CASTLE. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding the time to me.

Mr. Chairman, I rise in reluctant but very strong opposition to this amendment. This legislation as it stands right now with the amendments in it has as much flexibility as one could possibly handle probably for years to come.

In addition to the education flexibility that we passed last year, we have great consolidation of a lot of the programs that exist at the Federal level into one block grant-type program.

We do have the local Straight A's or the local flexibility, if you will, which allows each district without permission from anybody to transfer up to 50 percent of their funds as long as it is not in title I. They can transfer into title I all of the Federal funds; that is tremendous flexibility. That is the best we can possibly do with respect to that.

The gentleman from Ohio (Mr. TIBERI) and I had an amendment yesterday which passed which allows 100 school districts to apply to the Secretary to waive statutory requirements and consolidate certain program funds at the local level.

This is unprecedented flexibility. The problem with going from 50 percent to 75 percent is that this percentage, the original percentage reflects our shared desire to ensure that the funds that we have remain available to some extent to carry out the program requirements as they are not waived by the flexibility program.

Mr. Chairman, I am just afraid if we go above 50 percent, it is going to be impossible to do this. So I believe that with all the flexibility that has been entered into this legislation, and it really truly is unprecedented, that we have gone far enough.

I am reluctant to oppose it, because of the distinguished record of the gentleman from Michigan (Mr. HOEKSTRA) sponsoring it, but the bottom line is that the flexibility is there, it is what we should do. I would encourage all of us to oppose the amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman from Michigan (Mr. HOEKSTRA) for yielding me the time.

Mr. Chairman, I especially thank the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce, for his support of this amendment and his yeoman's efforts in this education bill.

Mr. Chairman, I rise today as a proud member of ''Hoekstra's heroes,'' a band of my colleagues who over the past several days have rallied around the gentleman from Michigan (Mr. HOEKSTRA) and his heroic effort to preserve the vision of State and local control of education in America.

It is said that without a vision, the people perish. And the vision of Washington, D.C., the vision of the founders of this country was a vision of limited government that left things like education to those who could govern best at the State level.

Mr. Chairman, this amendment will allow local school districts to transfer more funds to specific programs and better utilize their resources for the benefits of students. Let me repeat that, this marginal increase in transferability is for the benefit of students. By increasing the transferability cap, this body permits Federal dollars to be targeted to the areas that most help students.

Mr. Chairman, the people of east central Indiana did not send me to Washington, D.C. to increase the Federal Government's role over education or education resources. They sent me to help students by promoting innovation and reform.

Mr. Chairman, this amendment will help us modestly innovate and reform by raising the transferability cap; and I urge my colleagues, all of my fellow Hoekstra heroes, and all Hoekstra hero

''wannabes'' on both sides of the aisle to support this fine amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER), my friend, for yielding me the time.

Mr. Chairman, I oppose the amendment. The amendment makes a modest quantitative change but a significant and negative qualitative change.

First of all, we ought to remind ourselves that States and localities can do whatever they see fit with 100 percent of their State and local money, 100 percent. This is about the very small amount of money that comes to local school districts from the Federal budget.

We are in the process of collectively making a judgment about some spending priorities that help children. We believe it helps children to encourage school districts to spend money on the latest technology so there are computers in classrooms.

We believe it helps children to bring police officers and teachers together to teach children the evils and dangers of drugs and alcohol under the safe and drug free schools section.

We believe it helps children to afford teachers the opportunity to retool and relearn their craft on a regular basis, and we believe it helps children to find some extra money for the unusual and innovative ideas that usually do not find its way into the regular school budget.

We believe that each one of those things ought to be done with at least 50 percent, at least 50 percent of the very modest amount of Federal money that is being sent to local school districts. If you reduce that 50 percent to 25 percent, I believe you reduce these priorities to the point of dilution. You reduce them to the point where nothing really gets done in these four important areas at all.

Mr. Chairman, I fully embrace and support the right of local school districts to spend their own money, raised through their own taxing authorities completely as they see fit, subject to the laws and constitutional provisions that they must live under, but I think that when we make a national judgment about the importance of technology, of teacher training, of safe and drug free schools and of innovative strategies, we ought to stick to it.

This amendment does not do that. It should be defeated.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan is recognized for 3½ minutes.

Mr. HOEKSTRA. Mr. Chairman, when the President came to Washington, he announced a bold plan, a bold plan to reform education, by giving more flexibility to the States, by holding the schools accountable for results and by empowering parents.

Over the last 3 months, that plan has slowly been whittled away. Much of the flexibility that the President had envisioned for States to target their spending towards the needs of their kids is gone.

This amendment is an attempt to give the States and local school districts just a little bit more flexibility for that 1 percent of their money that comes to their local school districts.

Parental empowerment is basically gone.

Accountability, it is interesting the President's plan said we are going to get rid of process accountability. We are going to move away from these categorical programs that tell school districts exactly what to do with every Federal dollar and then audits them to make sure that the dollars are spent for each of these programs creating a huge bureaucratic and programmatic nightmare.

He said we are going to come back and we are going to focus not on process accountability, but we are going to focus on results accountability; move away from process accountability, go to results accountability. Let us test whether our kids are actually going to be able to read and to do math. The process accountability has stayed alive. The bureaucracy has won on all of those counts. School districts will be given money. They will be told how to spend it, and now they will also have the results accountability.

We will now be telling school districts what to do and exactly what results they will be expected to achieve, and if they do not achieve those results, here is what will happen.

It is all laid out in the bill. It is all very clear. This ends up being the most significant takeover of our local schools since the creation of the Department of Education.

It is disappointing that we do not trust the individuals who know the names of our kids to do what is best for our children. Go to your local school districts. I spent a tremendous amount of time in school districts in my hometown, my district and around the country, and if there is one impassioned plea that you consistently hear, it is free us from the bureaucracy, free us from the paperwork, free us from the mandates so that instead of focusing on Washington and what you are telling us to do, we can focus on the needs of our kids.

This amendment is just one small step in trying to bring some more freedom to the folks who know our kids' needs, but, more importantly, they know our kids' names and they can bring those things together.

There is such a tremendous diversity in the needs of our children and the needs of our school districts that we ought to trust our local school officials to do the right things, to trust our State officials. They do not need another Federal mandate.

As a matter of fact, they have a Federal mandate that comes into effect in 2001 on testing. We are throwing that out, putting a massive new mandate in place. Let us trust the folks back home to do the right thing with a small portion of this money.

Mr. Chairman, I urge my colleagues to support this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I was proud to stand with the gentleman from Michigan (Mr. HOEKSTRA) to oppose additional Federal mandates yesterday, and it is a value that we share.

This debate that we are having today, I agree with the gentleman and the gentleman from Colorado (Mr. SCHAFFER) that this should not be about agreements between politicians. It should be about learning. This debate should be about priorities.

This debate should be about responsibility. We have a responsibility to bring the best learning we can to our school children, and we have a responsibility to spend tax dollars wisely. We have a responsibility to bring focus priorities to these programs that we are talking about: school safety, teacher quality and class size reduction, school technology.

These are important priorities that we have set at a national level, and we have agreed to reduce bureaucracy and to increase transferability to the 50 percent mark. But why not raise it to 75 percent? Why not raise it to 100 percent?

I believe the answer is we should not raise it to 100 percent; and it is, I admit, a difficult matter to set where the line should be, but as we negotiate these lines and move them toward the 100 percent, I believe that we abdicate responsibility. Our responsibility is to spend tax dollars wisely and to focus on efforts that help our school children.

Mr. Chairman, I agree with the gentleman that we need to give local flexibility; and we have set the right amount in this bill. I oppose the Hoekstra amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 11 printed in House Report 107–69.

AMENDMENT NO. 11 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. MEEK of Florida:

In section 501 of the bill, in section 5501(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), strike ''adult''.

In section 501 of the bill, in section 5502(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), strike ''adult'' and insert ''individual''.

In section 501 of the bill, in section 5503(a)(1) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), after ''responsible adults'' insert ''or students in secondary school''.

In section 501 of the bill, in section 5503(c)(1)(C) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), strike ''adult''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from Florida (Mrs. MEEK) and a Member opposed will each control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time not otherwise taken in opposition to this.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. BOEHNER)?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment seeks to make a small, modest change to the Osborne Mentoring Program so that both adults and qualified, trained and motivated high school students can become mentors.

During the Committee on Education and the Workforce's consideration of H.R. 1, the gentleman from Nebraska (Mr. OSBORNE) offered a noncontroversial amendment which the committee adopted by voice vote that established a mentoring program.

I commend the initiative of the gentleman from Nebraska (Mr. OSBORNE). His program is well-intended and also well designed. Presently this bill only allows adults to be mentors.

My amendment seeks to make a modest change so that qualified, trained and motivated high school students can also become mentors.

Mr. Chairman, I want to make it very clear that neither the Osborne Mentoring Program or my amendment would require that local educational agencies offer mentoring programs.

□ 1100

This is strictly an option that the school district can or cannot take. Like the bill, my amendment would preserve local option. Local school districts would have the choice whether or not to start a mentoring program.

When the mentor is an older student, not too far in age from the mentee, it appears that this transforming relationship affects both young people. For example, a study recently conducted by Pediatrics Magazine pointed out that the benefits of peer monitoring are very, very good. The researchers compared children who were involved in an inner-city mentoring program with demographically matched children who were not. Mentors were age 14 to 21, while mentees were children 7 to 13.

Both mentees and mentors involved in a community-based peer mentoring program were found to benefit from such interactions by acting with greater maturity and more responsibility in their daily lives.

In my years as a college instructor, I often witnessed the transforming power of peer relationships. Younger students sometimes perceive adults as authority figures who are out of touch or all too ready to preach; whereas, a child may come to confide in his or her slightly-older peer because they perceive their peer to have a greater capacity to understand and identify with what they are going through.

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

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentlewoman from Florida for her amendment to a program that was put in the bill in committee by the gentleman from Nebraska (Mr. OSBORNE).

The gentleman from Nebraska (Mr. OSBORNE), as we all know, had a very successful career in winning three national championships during his years as coach of Nebraska. During his years, though, in Nebraska, he was very involved in mentoring programs of many sorts and brought an amendment to the committee and added to this bill a mentoring program that I think will be very helpful to all of the disparate and independent mentoring programs that are going on around the country.

I think the amendment offered by the gentlewoman from Florida (Mrs. MEEK) is very well done because in many high schools around the country today we have mentoring programs where older young adults in schools are working with their peers. I know in my own local high school at home, they have a peer-counseling program, peer-mentoring program that I think has been very successful. So I would encourage my colleagues to support the gentlewoman's amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I would like to speak in favor of the Meek amendment, the mentoring success component of H.R. 1. Traditionally, many mentoring programs involve adults, but there are a great many around the country, as the gentleman from Ohio (Chairman BOEHNER) mentioned, that do use secondary school students to work with younger children.

So as the initial introducer of the mentoring component, I certainly support the gentlewoman's amendment, and we hope very much that our colleagues will vote in favor of this amendment. We think it has great merit. We look forward to working with the conference committee to possibly also include younger college-age students in mentoring endeavors.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume and wish to enter into a colloquy with the gentleman from Maryland (Mr. HOYER) and the gentlewoman from Kentucky (Mrs. NORTHUP).

Mr. Chairman, I am happy to yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentlewoman from Florida (Mrs. MEEK) for her willingness to yield to me, and I thank the gentleman from Ohio (Chairman BOEHNER) for yielding to me.

Mr. Chairman, I rise to enter a colloquy with the distinguished gentleman from Ohio (Chairman BOEHNER). First, I would like to thank the gentlewoman from Florida (Mrs. MEEK), as I said, for being willing to yield me time. I would also like to thank the gentleman from Ohio (Chairman BOEHNER) for his outstanding leadership on the committee, along with the gentleman from California (Mr. GEORGE MILLER), who has worked so hard to bring a good bill to the floor.

The education of our children should be our top priority, which is why we are especially pleased that this bill is truly the result of a bipartisan effort. During the debate, we have discussed at great length the need for standards and improved achievement. However, many of our schools do not have access to research-based reading programs developed by NICHD. This bill includes report language that discusses research-based reading programs. But I do not feel we are doing enough to make sure that our teachers have access to this innovative research.

Mr. Chairman, at this time I would like to have a colloquy with the distinguished gentlewoman from Kentucky (Mrs. NORTHUP), my colleague on the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations, who shares my concern and interest in this area.

Mr. BOEHNER. Mr. Chairman, I am happy to yield to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, first of all, let me thank my colleagues who have spent many hours listening to NIH testimony and getting quite an appreciation for the research they have

done on reading, and to the gentlewoman from Florida (Mrs. MEEK), who is my cochair in the Reading Caucus that seeks to bring focus on what reading programs work.

Mr. Chairman, the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations on which both the gentleman from Maryland (Mr. HOYER) and I sit has had a number of discussions about the recommendations of the National Reading Panel, a report compiled by the National Institute of Child Health and Human Development and the Department of Education.

The National Reading Panel was charged with conducting a comprehensive review of the evidence-based research on reading and assessing the effectiveness of different approaches. As my colleagues know, NICHD has conducted scientific research and identified the steps required for all children to become effective readers. Armed with that research and knowledge, we now need to take the next step, putting research into practice.

We are pleased that the President's Reading First Initiative has been shaped by the findings of the National Reading Panel. Reading is a fundamental building block of education. That is why it is crucial that our students receive the best reading instruction.

Mr. Chairman, the dismal statistics of illiteracy simply do not have to exist. We are optimistic that with the National Reading Panel's findings as our guide, we can achieve much better results.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to the gentleman from Ohio (Chairman BOEHNER), I think that this particular program of instituting mentoring into the lives of the children is absolutely essential. The fact that reading has been shown as an extreme good component of this entire spectrum, I welcome the fact that we now see the importance of reading. It also further strengthens the fact that having mentors working with the mentee will be most efficient.

Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I am pleased to discuss this important issue with the gentleman from Maryland (Mr. HOYER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentlewoman from Florida (Mrs. MEEK).

In April, I visited a demonstration project at Independence Elementary School in Liberty Township, Ohio, which is in my district. Independence Elementary is successfully utilizing the host reading program that promotes the practices recommended by the National Reading Panel and the National Research Council. The host model utilizes about 60 mentors, age 16 to 84, to tutor approximately 50 first-through-third graders at the school in one-on-one sessions.

The host reading program, which is supported by Governor Taft, funds the host programs in Ohio. In fact, the Governor and Mrs. Taft both are volunteers for this program, and I think it is a very worthy endeavor. I think that the efforts by the gentleman from Maryland (Mr. HOYER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentlewoman from Florida (Mrs. MEEK) are certainly in order.

Mr. HOYER. Mr. Chairman, reclaiming my time, there are at least five schools with host programs in my district as well, all of which are demonstrating improved results.

We look forward to working with the gentleman from Ohio (Chairman BOEHNER) and the President on implementing the recommendations of the National Reading Panel and the gentleman from California (Mr. GEORGE MILLER) as well.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I just want to say we obviously strongly support the amendment of the gentlewoman from Florida (Mrs. MEEK). On behalf of the gentleman from Virginia (Mr. MORAN), the gentleman from Washington (Mr. MCDERMOTT), and myself, we all support the amendment.

Mr. HOYER. Mr. Chairman, I hope people can follow how this happened.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Mrs. MEEK).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 107–69.

AMENDMENT NO. 12 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ROGERS of Michigan:

In the matter proposed to be inserted as part E of title VIII of the Elementary and Secondary Education Act of 1965 by section 801 of the bill, insert after section 8520 the following:

"SEC. 8521. ENCOURAGE EDUCATION SAVINGS.

''To the extent practicable, the Secretary shall promote education savings accounts in States that have qualified State tuition programs (as defined in section 529 of the Internal Revenue Code of 1986).

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, late last year, I was getting ready to address a very dignified group of community leaders. As I was preparing my remarks, I asked my first-grade daughter what she thought I ought to tell these fairly important people. She thought about it for a minute. She looked up. She said, ''Dad, you can tell them that I got the best lower case A's in the entire first-grade class.'' I thought about that a minute, and I tell my colleagues what, Mr. Chairman, I told my very distinguished group that my daughter had the best lower case A's in the entire first-grade class.

I want every daughter in America and every son in America in the first grade to be worried about those lower case A's. I want every parent to have to understand and have the ability to understand that, not only do we have to worry about their lower case A's, but we have got to worry about their future and what happens. In just a few short years, they will be ready to go to college or technical training school.

What this amendment does is embrace the 50 States who have 529 prepaid tuition or college savings plans for parents. Costs are going up, and we are not a Nation that saves. We have about a 1 percent savings rate in America.

There are five Federal programs to help people offset the costs of getting college education, of technical training that will cover not as many as it will not cover. There will be more families out there struggling to borrow money to get their kids to go to school than there will be receiving a grant or a scholarship or tuition from another source.

What we are trying to do here, Mr. Chairman, is allow parents to get connected and understand the value of time and compounding with these State savings plans.

In Michigan, I offered a bill last year that would allow State tax-free money in and tax-free money out to defray the costs of getting an education. The time and compounding value of that is immense. We need to get parents connected as soon as we can and take the middle class from the borrowing class to the saving class.

This is an important element in offsetting those increasing costs, Mr. Chairman. I urge this body's support so that parents can go back to saving a little money and worrying about those lower case A's.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have no opposition to this amendment. We support the amendment.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield to the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I think that the amendment offered by the gentleman from Michigan (Mr. ROGERS) is a very good amendment. The gentleman from Michigan, during his years in the State senate, authored the college tuition savings program in Michigan. I think his ongoing efforts here as a new Member of this body to encourage the Secretary, to the extent practicable, to promote these programs is of great benefit for the American people.

We all know that the cost of going to college continues to rise; and we believe by the end of this year, some 48 States will have such programs. We want to make sure that they are working well and provide the avenue by which many more of our middle- and lower-income students will be able to attend an ongoing college, university or some type of training program once they graduate from high school.

Mr. Chairman, I support the amendment. The gentleman should be congratulated.

Mr. ROGERS of Michigan. Mr. Chairman, today I rise in support of an amendment that would authorize the Secretary of Education to work with state administrators to promote and advocate the use and establishment of state-sponsored college savings plans during a student's elementary years.

In recent years, most states have created either a prepaid tuition or college savings plan to help parents save for ever-increasing post-secondary education costs. The 1980s saw the first developments in state-created tuition plans as states attempted to meet the growing concerns about the affordability of college. In 1986, Michigan was the first state to establish a prepaid college tuition plan, and last year our state added a savings plan. Currently, all 50 states offer some form of Qualified State Tuition Programs within Section 529 of the tax code as Georgia and South Dakota became the last two states to establish plans earlier this year.

As the author of Michigan's post-secondary education savings account plan while a member of the Michigan State Senate, I believe that education is central to our prosperity as a nation. However, too often the educational opportunities for our students and families are limited by tuition costs or the prospect of a crushing debt-load. The best answer to this dilemma is to encourage advance family savings—starting to save during a student's elementary years.

Please allow me to briefly describe the benefits of saving under Michigan's recently-enacted Michigan Education Savings Program. Under this program, which was launched in November, 2000, any individual interested in investing for a college or a vocational education can open an account and contribute on behalf of any beneficiary for as little as $25 up-front. Furthermore, individuals can also contribute as little as $15 per savings account per pay period by using payroll deduction through participating employers.

Michigan's program has been a great success in its first six months, as more than 16,000 accounts have been opened with over $34 million in investments. In fact, Money magazine recently named the Michigan Education Savings Program one of the best state-operated college savings programs in the country.

The power of compounding makes these plans especially appealing to families who can save only in smaller increments. For example, families can put away as little as $10 a week over the first 18 years of child's life and, based at a conservative earnings rate of 8 percent, have about $20,000 by the time he or she is ready for college or technical school. Over a period of time, families can save enough to provide the kind of future we all want for our children without having to run up a huge debt to get an education.

An example of the need to create a saving class was highlighted in a recent Washington Post column titled: ''Colleges Where the Middle Class Need Not Apply.'' The lead paragraph touched upon the fact ''. . . the poor and middle class at least try college for a year, although for many of them, even the modest cost of state schools quickly becomes burdensome.''

When it comes to saving for college and vocational training we need to help our families turn from a borrowing class into a saving class. To encourage such saving, all 50 states have established prepaid tuition or college savings plans and this amendment empowers the Secretary of Education to work with those states to advocate the benefits of these plans to elementary school parents and the importance of establishing an account as soon as possible.

I believe we all can agree that the federal government should foster policies encouraging families to save for educational expenses instead of relying on debt or government aid programs. My amendment to H.R. 1 would authorize the Secretary of Education to work together with the 50 states that have Section 529 savings programs to advocate and promote the use of these valuable educational tools to encourage parents to enroll in their state's plan during their children's elementary years.

Promoting the use of savings at the elementary level will allow the dynamic of time and interest produce significant savings that will help the families of today's kindergartners shoulder the financial burden of tomorrow's education costs. I urge my colleagues to support this amendment promoting the use of these valuable tools during the elementary years.

Mr. CAMP. Mr. Chairman, today, I rise in strong support of the amendment offered by my colleague and friend MIKE ROGERS from the State of Michigan. As we debate this historic education reform legislation, H.R. 1, one aspect that should not be overlooked is that too often the educational opportunities of our students and families are limited by tuition costs and overwhelming debts.

We need to encourage low- and middle-class families to turn from borrowing to a saving. The best time to encourage parents to start saving for tuition costs is when their children are in elementary school. Today, all 50 States, including my home State of Michigan, have established prepaid tuition or college savings plans under section 529 of the Federal Tax Code.

This amendment will empower the Secretary of Education to work with the States to advocate the benefits of these plans to elementary school parents and stress the importance of establishing an account as soon as possible. I thank the gentleman for offering this amendment and for his leadership in the State of Michigan on this important issue.

I encourage my House colleagues to leave no child behind and support this amendment to encourage families to save early for their children's educational expenses.

Mr. ROGERS of Michigan. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

□ 1115

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 107–69.

AMENDMENT NO. 13 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Mr. Chairman, pursuant to the rule, I offer amendment No. 13.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. NORWOOD:

At the end of part A of title V of the Elementary and Secondary Education Act of 1965, as amended by section 501 of the bill, add the following:

''SEC. 5155. DISCIPLINE OF CHILDREN WITH DISABILITIES.

''(a) AUTHORITY OF SCHOOL PERSONNEL.—Each State receiving funds under this Act shall require each local educational agency to have in effect a policy under which school personnel of such agency may discipline (including expel or suspend) a child with a disability who—

''(1) carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency;

''(2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at a school, on school premises, or at a school function, under the jurisdiction of a State or a local educational agency; or

''(3) commits an aggravated assault or battery (as defined under State or local law) at a school, on school premises, or at a school function, under the jurisdiction of a State or local educational agency,

in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) or (2) of subsection (a) from asserting a defense that the carrying or possession of the weapon, or the possession or use of the illegal drugs (or the sale or solicitation of the controlled substance), as the case may be, was unintentional or innocent.

''(c) FREE APPROPRIATE PUBLIC EDUCATION.—

''(1) CEASING TO PROVIDE EDUCATION.—Notwithstanding any other provision of Federal law, a child expelled or suspended under subsection (a) shall not be entitled to continue

educational services, including a free appropriate public education, required under Federal law during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

''(2) PROVIDING EDUCATION.—Notwithstanding paragraph (1), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under paragraph (1) may choose to continue to provide educational services or mental health services to such child. If the local educational agency so chooses to continue to provide the services—

''(A) nothing in any other provision of Federal law shall require the local educational agency to provide such child with any particular level of service; and

''(B) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

''(d) DEFINITIONS.—In this section:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given the term in section 5151.

''(2) ILLEGAL DRUG.—The term 'illegal drug' means a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of Federal law.

''(3) WEAPON.—The term 'weapon' has the meaning given the term 'dangerous weapon' under subsection (g)(2) of section 930 of title 18, United States Code.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 10 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, as it stands now, Federal law requires schools to have two different discipline policies for those who bring a weapon to school or engage in aggravated assault, one policy for special needs students and another for nonspecial needs students. A special needs student receives preferential treatment when it comes to being punished for outrageous behavior.

For all practical purposes, a special needs student could be suspended for no longer than 55 days, for all practical purposes, and even then must be provided educational services. Nonspecial needs students, on the other hand, can be and often are suspended for longer periods of time, and then without educational services.

My amendment will finally change that. It gives schools the authority to have a consistent discipline policy for all students. It allows special needs students to be disciplined under the same policy as nonspecial needs students in the exact same situation.

My amendment also contains safeguards. My amendment contains safeguards to ensure that no special needs student is unjustly punished or singled out. This amendment sends clear messages that weapons and violent assaults at school will not be tolerated. My colleagues, let's send that message today by passing this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. Mr. Chairman, I was one of the original sponsors, coauthors and authors of the IDEA Act when I first came to Congress in 1975. I have very strong feelings about our obligations to educate students with disabilities. I was also the first author of the Act who said that you would expel students from schools if they brought guns to schools. I have very strong feelings that our schools are a place of learning, they ought to be a sanctuary, and the streets ought not to come into our schools. But these two values clash.

My concern is this: The suggestion is somehow that children with handicaps are privileged; that children with handicaps have preferential treatment. No, what we do under the law is recognize that children with handicaps, with disabilities, in many instances, must be treated differently because of those disabilities. And what we do in this is suggest that we cannot, under the Federal law, deny them continued education if they are suspended, because we understand the problems of educating some of these children, many of whom have multiple handicaps, multiple disabilities; that if we stop the educational services, in many instances, it is very difficult to start or to have that child catch up.

There is nothing in the Federal law that says that that child must return to school. A decision must be made in 55 days, but there is nothing that says the child must return to school. The gentleman from Georgia and the committee, when we were deliberating this, handed out an article from the Orlando Sentinel and he said that this child should not be back in school. But when we read the article, it makes very clear that the school authorities are educating the child while he is in a juvenile detention center. The school authorities make it very clear that this child will never return to his school. This child will not go back to school. They do not want to return him home, but they are going to continue to educate him because that is what the law requires.

By the same token, the law does not require that that student be returned to school. It says we cannot have a secession of the educational program. And we should not change that law today. We should not change that law today.

Mr. NORWOOD. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I want to thank the gentleman from Georgia for his work on this amendment.

Mr. Chairman, creating a safe learning environment must be a top priority for our schools. Unfortunately, the discipline provisions in IDEA make it impossible for educators to address the needs of all students in the classroom. The safety and the learning opportunities of all students are jeopardized by the rules that require that a dangerous and disruptive student remain in the classroom.

I believe when it comes to the issue of weapons, illegal drugs and assaults, we cannot afford to gamble with the safety of our students, with our teachers and staff. Ensuring the safety of all students must be our first goal. The Federal bureaucracy cannot second-guess our local educators, who must make difficult decisions about the safety in their classrooms. Doing such will unnecessarily put the safety of our students at risk.

This amendment will allow schools to discipline all students that bring weapons, sell illegal drugs or commit aggravated assault or battery at school in the same manner. Schools will not be able to discriminate against students with disabilities, but they will have the flexibility under this amendment to make sure that all violent students are removed from the classroom.

Simply put, this amendment will remove the roadblocks that Congress has put in the path of good school administrators, parents, teachers, and local school boards who merely want to keep their classrooms safe.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the amendment.

When we reauthorized IDEA in 1997, in a bipartisan way, we took steps so that schools could ensure a safe and orderly environment for all students. The 1997 amendments specifically allow schools to immediately remove IDEA children from the classroom for discipline violations and place children in alternative educational settings when they commit infractions dealing with guns, drugs, or are likely to injure themselves or others.

What IDEA in 1997 also stated was that troubled, disabled children should not be kicked out of school onto the streets without educational services, since this will lead only to additional juvenile crime.

Unfortunately, my concern over this amendment has already become reality in the tragic incident of school violence in Springfield, Oregon, 2 years ago. Kip Kingle, the shooter in the Springfield incident, although not an IDEA student, was suspended when he brought a gun to school. He was sent home without counseling or educational services and proceeded to shoot and kill his parents and go on a shooting rampage at his school. This incident is the perfect example of why

cutting educational services off for children can lead to disastrous circumstances.

I fully believe, as do all of us here, that our schools should be safe for all children. Now, those children who engage in dangerous activities should be dealt with through such means as immediate removal from the classroom. This is something we can really agree upon: Dangerous children must be removed from the classroom, absolutely and immediately. However, ceasing educational services for these children, or for any child, is not the answer, since it will only lead to more juvenile crime and possible situations similar to the horrific incident in Springfield.

I taught school for 10 years, and we had incidents where we had to have that child removed, not necessarily an IDEA child, a child in our regular programs, but we did provide in Michigan alternative programs for that child. I know children who were involved in that fashion and did get alternative education who are now working and are productive citizens in Flint, Michigan, because we gave them that alternative. I think all children should have some possibility of alternative services when they commit such incidents as these.

Mr. NORWOOD. Mr. Chairman, it is my pleasure to yield 1½ minutes to the gentleman from Mississippi (Mr. Wicker).

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

Mr. WICKER. Mr. Chairman, in my home State, four students were caught bringing a gun to a school-sponsored event. They were passing the gun among themselves. After a disciplinary hearing, three of the students were expelled for possession of a gun, but the child who actually brought the gun to the event was given only 45 days in an alternative program. Why this unequal result? Because the child who brought the gun was classified as learning disabled under IDEA.

Now, Mr. Chairman, when I travel throughout my district and talk to parents and teachers and administrators, they are concerned about this dual system of school discipline. They want school discipline returned to the schools. A safe productive learning environment is a key element to providing all students with a good education.

There is no hidden agenda here. There is no attempt to deny disabled students the ability to be educated. It is simply a matter of safety in schools and order in schools and discipline in schools.

It was the academic community who encouraged me during the last Congress to introduce a bill to restore disciplinary decisions to State and local administrators. I was pleased when the amendment of the gentleman from Georgia (Mr. NORWOOD), similar to my bill, was approved in the 106th Congress during consideration of the Juvenile Justice Act.

We cannot tolerate students bringing guns or drugs to school or assaulting other students. It does not matter who the student is, the danger to the other students remains the same.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, under current law, a child with a disability who is expelled from the regular classroom for any reason is still entitled to a free and appropriate education. I know of no public policy benefit which can be achieved by sending these children to the streets without any educational services, even when they are involved with serious offenses. In fact, I see no benefit to the public for depriving any child of an education, whether they have a disability or not. It is difficult for any child who is expelled to catch up and graduate from school, and it is especially hard for disabled children.

We learned, during hearings on youth crime, that there is a strong link between dropping out of school and subsequent crime. For children with disabilities, these correlations are even stronger. Research shows that children with disabilities who are put out of school without educational services are less likely than other children to ever catch up; they are less likely to graduate from high school or get a GED; they are less likely to be employed, and they are substantially more likely to be involved in crime.

Some talk about a deterrent effect. Let me read a letter from the National Coalition of Police Chiefs, Prosecutors, and Crime Victims from 2 years ago. They said: ''We urge you to oppose any amendment that would deny educational services to kids who are expelled or suspended from schools. Schools can already immediately expel a student who brings weapons to schools. But giving a gun-toting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else.

Please don't give those kids who most need adult supervision the unsupervised time to rob, become addicted to drugs, and get their hands on other guns to threaten students when the school bell rings.''

Mr. Chairman, during the last Congress we had a bipartisan task force on juvenile crime lasting several weeks. We met for several weeks, heard from dozens of witnesses, and not one witness had anything good to say about kicking kids out of school without continuing services. Some said take them out of the regular classroom, but continue their education. Not one witness had anything good to say about kicking them out without any services.

The IDEA program is premised on the recognition that children with disabilities need more support than other students to enable them to obtain a decent education. There is nothing to suggest that less support is needed when they have disciplinary problems, even when they are serious disciplinary problems.

School systems should not be allowed to send uneducated children with discipline problems onto the streets and endanger the public. For those reasons, Mr. Chairman, I strongly urge my colleagues to reject this amendment.

□ 1130

Mr. NORWOOD. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, the previous opponent of this amendment, the learned gentleman from Virginia, has illustrated graphically the sorry state in which our schools are finding themselves. According to the gentleman from Virginia, we ought to feel guilty, schools ought to feel guilty, teachers ought to feel guilty, if they try and protect the students in their schools.

The gentleman says schools should not turn these students out because they commit acts of violence. After all, then it is the school's fault for those kids being on the street. That sort of reverse thinking is what this amendment and piece of legislation tries to correct. It tries to bring back some rationality to the process of educating and protecting our children.

No longer, if this amendment is adopted and signed into law by the President, would our schools be held hostage by claiming that an act of intimidation, an act of assault cannot be punished, that students cannot be removed from the school, that the taxpayers should not continue to support them simply because that act of violence, that act of drug dealing, that act of assault might be a manifestation of a disability.

Our teachers and our administrators tasked by the government of this country, by our local government and by millions upon millions of parents, have an obligation to teach our students. They cannot fulfill that obligation if those students under their care are in fear.

Mr. Chairman, this will remove that fear and provide flexibility to our schools to do what we have asked them to do.

Mr. KILDEE. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT.)

Mr. SCOTT. Mr. Chairman, I did not say that we wanted to keep children in the classroom. If children have committed a serious offense, maybe they do need to be taken out of the classroom. What this amendment will do, if it passes, it will put those children out on the streets without any services; and all of the studies show the crime rate will go out.

Mr. Chairman, that is why not a single witness on our bipartisan task force had anything good to say about this amendment. They all said we have to

continue educational services if we want to protect our children.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, the real debate here should be about school choice, allowing parents to choose the school that is safe for their children. The President proposed school choice in his package No Child Left Behind, but that provision was left out of the bill. So it is incumbent upon us now to discuss the safety of the children who are left in those schools and trapped in government-owned schools throughout the country.

Mr. Chairman, this dual standard that the gentleman from Georgia (Mr. NORWOOD) has put his finger on is one that is painfully understood by every teacher in America, many parents, but it is also understood by a certain number of children.

Children under the IDEA program are no more likely to be involved in discipline problems than anyone else, but the dual standard is one that does play a disproportionate role in classrooms because it sends a mixed signal in the whole context of classroom discipline.

Schools should be safe. Teachers deserve to be in classroom settings where their safety is secure as well, and where their expertise is respected and honored. This amendment that the gentleman from Georgia (Mr. NORWOOD) has proposed is a good amendment; it is one that we should adopt. It moves us in the proper direction in the context of empowering parents and teachers and making our classrooms safer.

Mr. NORWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, who has worked so hard on this education bill.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Georgia (Mr. NORWOOD) for bringing this amendment to the floor. As many of the members of the Committee on Education and the Workforce know, there was great interest in dealing with this subject in the Committee on Education and the Workforce. At my request, the gentleman from Georgia (Mr. NORWOOD) saved this amendment for today's debate, and we did not engage in this fight in the committee process.

Mr. Chairman, we all know that IDEA was an important step in terms of allowing more of our children to receive the same educational opportunities as those without disabilities. But we all know and we have all heard from every one of our superintendents and school board members that there have been significant problems. Many of us believe that there is a two-tier policy in many of our schools when it comes to the possession of a weapon, the possession of drugs, or the commission of an aggravated assault against other students, against teachers, and school personnel when it comes to IDEA students.

Mr. Chairman, I think the amendment that the gentleman from Georgia (Mr. NORWOOD) brings makes it very clear that the policies that would be appropriate in a school for non-DEA students ought to apply to IDEA students as well in these three particular areas. Most people around America would say this makes common sense and we ought to do it, and we ought to support the gentleman's amendment.

Mr. Chairman, having said that, we all know there are other issues having to deal with IDEA, and that bill is up for reauthorization next year. It likely will be a rather contentious debate in the Committee on Education and the Workforce and on the floor. By and large, we would like to leave most of these issues until next year.

Mr. Chairman, I think the amendment, though, is a commonsense amendment. We ought to support it.

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to point out to the gentleman from Virginia who said that there is no good public policy that can be achieved by this amendment; and I would like to say that and tell that to the family of Linda Hendrick, 52 years old, who was stabbed repeatedly in 1999 by a special ed student that could not be removed from the classroom.

I think there is very good public policy that can occur here. It has been pointed out by the other side that there are some students, I think Down's syndrome was mentioned, that this would apply to. But it also applies to so many other students who are in special education today for various and sundry reasons who actually do know the difference, and we need to give people like the gentleman from Michigan (Mr. KILDEE), who was a teacher for 10 years, the superintendents back home, we need to give them some discretion to make some decisions about when a student should or should not be in a school.

Mr. Chairman, they say schools can eliminate a student from special education for however long you like. That is simply not true because the process is so cumbersome, the process is so expensive it effectively does not work.

Mr. Chairman, I want to encourage my colleagues to take this opportunity to give people like the gentleman from Michigan (Mr. Kildee) an opportunity to do this at home.

Mr. KILDEE. Mr. Chairman, I yield the balance of the time to the gentleman from New Jersey (Mr. ANDREWS).

The CHAIRMAN. The gentleman from New Jersey is recognized for 2 minutes.

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

Mr. ANDREWS. Mr. Chairman, opposition to this amendment is not based upon an expression of guilt, it is based upon an exercise of common sense. I do not think that any violent student should spend one more hour in any classroom in this country. Under the existing law and under this bill, they need not. This bill says if a student engages in an act of violence and present law says if a student engages in an act of violence, they can be removed from the classroom.

Mr. Chairman, the amendment before us says after they are removed from the classroom, that is the end of their education. That is it if the State so chooses.

I oppose this amendment because it does not answer this question: With respect to this violent student, once they are removed from the classroom, as they should be, what happens next?

This amendment does not deal with the very real problem of violence in our schools. It just moves it from our schools to somewhere else, to our streets or to our neighborhoods or to other social institutions.

I for one minute would not stand for the proposition that we should coddle or discriminate in favor of people who commit violent crimes. But I know this: That pretending that they are just going to go away will not work. Pretending that they will disappear from the rest of the community will not work. And understanding if we get people that are prone to violence back on a positive track by offering them an education, they are a lot less likely to commit another violent offense.

Mr. Chairman, it is very alluring to say we should just pull the plug on the education of those that commit violence. It is also completely counterproductive. It is a guarantee that many of those same young men and women will never get an education, never become contributing members of society, and will commit even more heinous and terrible crimes. This amendment should be defeated.

The CHAIRMAN. All time for debate has expired.

Mr. KILDEE. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. Without objection, each side will control 2 additional minutes.

There was no objection.

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will close this up by making an appeal to the good folks on the other side. I know that they are big defenders of the disability education program, as well they should be. This program was passed by Congress to address real and serious problems. Special needs students were often not given an opportunity to get an education in this country. The Disabilities Education Act fixed that. It does not mean that it is perfect, but it takes a step in the right direction. But that is yesterday's problem that we did take the right step.

Mr. Chairman, today's problem with disciplining special needs students is just as real. In fact, it is causing a growing backlash against IDEA. My teachers and superintendents are pleading for relief here. Nonspecial need parents are seriously questioning special and unequal treatment of students regarding discipline. There is a backlash here.

Mr. Chairman, I appeal to my colleagues, in their zeal to protect the legacy of this program, do not overlook this problem by supporting this reasonable change. My colleagues will do much to stop this growing backlash against IDEA without hurting education for special needs students.

Let me assure my colleagues, this amendment will not encourage schools to engage in mass expulsions of special needs students. This amendment has solid safeguards to make sure this does not happen. Let me be very clear. If a teacher is trying to unjustly kick a special needs student out of their class, this amendment requires parents and local officials to have the authority to stop such a thing.

Mr. Chairman, we can and should pass this amendment. We passed a very similar amendment in this Congress last year with 300 votes. This is something we as Federal legislators can do, something we actually can do that will make life better for our teachers back home.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in strong opposition to the amendment by the gentleman from Georgia (Mr. NORWOOD). I do not think that there is anybody here in this Chamber that disagrees that a student that is causing disruption in a classroom should be removed. But let us remember something very clearly. We are talking about children with special needs. Right there, special needs.

Mr. Chairman, anyone who disrupts the classroom should be removed, but they have to have an alternative place to go. One of the things that we are not doing in this Chamber and not providing to children with special needs is to give it to them: Alternative schools. We have seen children removed and sent to alternative schools, and we have seen them do very well in small classrooms with specialized care for them. These are children that have special needs.

Mr. Chairman, I came to Congress to reduce gun violence in this country, and I certainly stand by that. So of course anyone that is carrying a gun to a school should be removed. But to put students out on the street and have them come back the next day and fire among their classmates, that is the wrong way to go, too.

Mr. KILDEE. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Chairman, this amendment is not about safety. No one supports a policy that allows a violent or dangerous student to stay in the classroom. This amendment is about having an alternative program for children with special needs. Not having that contained in this amendment is wrong.

□ 1145

What is even more wrong is the fact that this was the only amendment made in order dealing with one of the most pressing challenges facing schools districts; how to meet the challenge of educating children with special education needs.

The gentlewoman from Oregon (Ms. HOOLEY) and I offered an amendment that talked about getting the Federal Government to live up to its 40 percent cost share of special education expenses. Unfortunately, that amendment was not made in order. We should have that debate on the floor as a part of the elementary and secondary education bill because every Member can bring anecdotal evidence to this Chamber that shows the pressing financial costs that school districts are facing because we are only funding our responsibility of special education at slightly less than 15 percent when we promised to fund it at 40 percent. We need to help school districts stop pitting student against student because the limited resources that they have available for one of the fastest growing expenses in school budgets, meeting the needs of special students in the classroom. That's the debate we should be having today instead of an amendment that will make it easier to punish those students.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) will be postponed.

It is now in order to consider amendment No. 14 printed in House Report No. 107–69.

AMENDMENT NO. 14 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer amendment No. 14.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. TIAHRT:

Before part B of title IX of the bill, insert the following:

Subpart 3—General Education Provisions

SEC. 916. INFORMATION ACCESS AND CONSENT.

(a) IN GENERAL.—Section 445 of the General Education Provisions Act (20 U.S.C. 1232h) is amended by—

(1) redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) ACCESS TO INFORMATION.—No funds shall be made available under any applicable program to any educational agency or institution that has a policy of denying, or that effectively prevents, the parent of an elementary school or secondary school student served by such agency or at such institution, as the case may be—

''(1) the right to inspect and review any instructional material used with respect to the educational curriculum of the student. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the instructional material. The granting of each such request shall be made in a reasonable period of time, but shall not exceed 45 days, after the date of the request;

''(2) the right to inspect and review a survey, analysis, or evaluation that is subject to subsection (c)(7) before the survey, analysis, or evaluation is given to a student.

''(b) RESTRICTION ON SEEKING INFORMATION FROM MINORS.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no funds shall be made available under any program administered by the Secretary to any educational agency or institution that administers or provides a survey, analysis, or evaluation to a student without the prior, informed, written consent of the parent or guardian of a student concerning—

''(A) political affiliations or beliefs of the student or the student's parent;

''(B) mental or psychological problems potentially embarrassing to the student or the student's family;

''(C) sex behavior or attitudes;

''(D) illegal, antisocial, or self-incriminating behavior;

''(E) appraisals of other individuals with whom the minor has a familial relationship;

''(F) relationships that are legally recognized as privileged, including those with lawyers, physicians, and members of the clergy; and

''(G) religious practices affiliations or beliefs.''.

''(2) EXPLANATION.—In seeking the consent of the parent an educational agency or institution must provide an accurate explanation, in writing, of the types of items listed in subparagraphs (A) through (G) of paragraph (1) that are contained in the survey and the purpose, if known, for including those items.

''(c) RESTRICTION ON MEDICAL TESTING AND TREATMENT OF MINORS.—

''(1) CONSENT REQUIRED.—Except as provided in paragraph (2), no funds shall be made available under any applicable program to an educational agency or institution that requires or otherwise causes the student without the prior, written, informed consent of the parent or a guardian of a minor to undergo medical or mental health examination, testing, treatment, or immunization (except in the case of a medical emergency).

''(2) EXCEPTION.—Paragraph (1) shall not apply to medical or mental health examinations, testing, treatment, or immunizations of students expressly permitted by State law without written parental consent.

''(3) DEFINITIONS.—For the purpose of this section, the term 'educational agency or institution' means any elementary, middle, or secondary school, any school district or local board of education, and any State educational agency that is the recipient of funds under any program administered by the Secretary, except that it does not apply to postsecondary institutions.

''(4) INSTRUCTIONAL MATERIAL.—In this subsection the term 'instructional material'

means a textbook, audio/visual material, informational material accessible through Internet sites, material in digital or electronic formats, instructional manual, or journal, or any other material supplementary to the education of a student.

''(5) RULES OF CONSTRUCTION.—(A) Nothing in this section shall be construed to supersede the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

''(B) The term 'instructional material' does not include academic tests or assessments.

''(6) APPLICATION.—

''(A) CERTAIN SURVEYS, ANALYSIS, AND EVALUATIONS.—Subsection (b) shall not apply to surveys, analysis, or evaluations administered to a student as part of the Individuals with Disabilities Act (20 U.S.C. 1400 et seq.).

''(B) PARENTAL CONSENT.—Nothing in subsection (c) shall be construed to supersede or otherwise affect the parental consent requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

''(C) STUDENT RIGHTS.—The rights provided parents under this Act transfer to the student once the student turns 18 years old or is an emancipated minor at any age.

''(7) STATE LAW EXCEPTION.—Educational agencies and institutions residing in a State that has a law that provides parents rights comparable to the rights contained herein may seek exemption from this Act by obtaining a waiver from the office designated by the Secretary to administer this Act. This office may grant a waiver to educational agencies and institutions upon review of State law.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 10 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of parental rights. Today, we will be passing legislation to ensure that no child is left behind in our education system. As a Nation and as a government, we have a duty to make sure that our public school system is held accountable; but our schools should not only be accountable to the government, but parents as well. Ultimately, it is the families who should have the most say in how their children are educated.

The Parental Freedom of Information amendment is based on the need to provide concerned, active parents with information that is vital for them to exercise their right to guide the upbringing of the children.

Educators have often said that involved parents are the most important thing public schools need to help students learn. I believe involved parents must be informed parents.

The current hodgepodge of State and Federal laws simply does not provide parents of public school children with the clear-cut right to access information regarding their child's education.

The goal of this amendment is to plainly and unambiguously define the rights parents have under the law.

Specifically, parents will have the right to access the curriculum to which their children are exposed. Parents will also have the right to give informed written consent prior to any student being required to undergo nonemergency medical or mental health examinations, testing or treatment, while at school; and finally, they will be afforded the right to inspect surveys and questionnaires seeking personal information before they are given to students.

This legislation in no way seeks to influence the content of curricula or tests. It simply allows parents to access the basic information which involved parents need to guide the education of their children.

There may be some attempt to argue that there is no need for this amendment. However, the increasing amount of litigation to determine what rights are guaranteed to parents under current Federal law is evidence to the contrary. Plain and simple, parents should not have to go into a courtroom to find out what is going on in the classroom.

Parents provide both tax dollars to fund our public education system as well as children who participate. Why should we as parents be denied the right to see how schools are using our tax dollars to educate our children? We need this legislation to clarify that parents have this right to be involved.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if I might ask either of the authors a question about the amendment because we have no opposition to the amendment. I think we fully understand the problems and the concerns that the authors are trying to address, but we would like to clarify obviously some concern of, very often, school teachers. Under State law, in a number of instances, teachers are required to react to their concerns about whether or not a child has been abused or not, and they must make some inquiries of that child. My understanding is this amendment would not impact in any way the ability of those school officials to engage in that sometimes, unfortunately, necessary activity.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I believe that is correct. We have no intent of preventing anyone from trying to stop child abuse. I think that is an awful situation that we currently have in America that we need to stop, so our efforts would be to do the same as the intent of the gentleman from California.

Mr. GEORGE MILLER of California. We raise this concern, and I thank the gentleman for his answer. We raise this concern because obviously, again in very tragic and unfortunate situations, many times the child abuse is within the home and the parent cannot be notified that the teacher wants to ask questions of the child, and we just want to make sure that this does not get in the way.

Some of the groups have raised that concern. I do not think the amendment does that, but I would certainly like, if it is possible, that we could continue to work on this if that problem somehow materializes so that does not happen.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Kansas.

Mr. TIAHRT. It is our intent to work with the gentleman to make sure there is no confusion about this.

I would also like to remind the gentleman this does not supersede State laws. Those States that have made initiatives in this area to stop child abuse, it would not interfere with that process at all.

Mr. GEORGE MILLER of California. I thank the gentleman for his response.

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

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I appreciate the gentleman from Kansas (Mr. TIAHRT) yielding me this time.

Mr. Chairman, I have enjoyed working with the gentleman on this amendment. It is often said that knowledge is power, and what we are trying to do is make sure that informed and caring parents know what is going on at school in an appropriate way. What the gentleman from California (Mr. GEORGE MILLER) raised, I want to assure him it is not my intent, nor the intent of anyone, to supersede State law that requires teachers or medical personnel to report suspected child abuse, because we do not want to do anything that is going to undermine protecting children. I think we have drafted an amendment that will accomplish that.

We are trying to empower parents in three key areas. We want to make sure that parents have some knowledge of what is going on in terms of the curriculum being taught at the school and that they have some information up front, and that they can be informed by the appropriate authorities to know what their child is being taught and have some input.

We want to make sure that the parents have access to school material that is going to be taught to their child.

Second, if a child is being surveyed about their personal family life, about whether they use drugs, or mental health issues, that we want parents to know what is going on and get parental consent there when a survey is being done because we believe it is important for parents to know what is being asked of their children.

Third, we want to make sure that in emergency situations, guidance-counseling situations in its normal fashion, that there is no impediment there. But we do believe that when it comes time to perform medical exams or part of a treatment regime that a school counseling team may come up with, that parents are informed about what is going to happen to their child medically and any mental health counseling that is a result of the normal counseling process.

Knowledge is power. We believe this will give parents more knowledge about what goes on in their school. It will create a better relationship between administrators and parents, and we are going to make sure that we do not do anything to impede the right to protect children who are being abused at home.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

Mr. TIAHRT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA) for the purposes of a colloquy.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from Kansas (Mr. TIAHRT) for yielding me this time.

Mr. Chairman, I want to have this colloquy with the gentleman from Kansas (Mr. TIAHRT) and the other author, but first let me make a point clear. I speak on this subject about parental consent with a little bit of experience that my husband is a psychiatrist not only in private practice but also as a psychiatric consultant to a number of school systems over the years on these issues.

With that as background, I want to say that I agree with the gentleman's amendment; but I want to be sure that we are not having unintended consequences here. So I want to make clear what the language does.

Specifically with the section on restrictions on medical testing and treatment of minors, these initial contacts are vital. As a primary proponent of school-based mental health services, as the author of that provision that is in the bill, I want to be very sure that we are talking about the same things here.

My understanding here is that under the gentleman's amendment a child in trouble would be first referred to a school guidance counselor, as is presently the case, under all State law; no signed permission for this initial contact is needed. Is that correct?

Mr. TIAHRT. That is also my understanding, yes.

Mrs. ROUKEMA. Then the child's case is referred to a child study committee, and the social worker that is a member of that child's study committee then is required to have parental consent or make the contact with the parent before that evaluation. Is that correct?

Mr. TIAHRT. That is also my understanding.

Mrs. ROUKEMA. Then, of course, we get to the question of the mental health counselors that are provided for in this bill. It is again my understanding, and there is no ambiguity about this, that mental health counselors would then assess the treatment needs but would again require parental consent with specificity?

Mr. TIAHRT. That is also my understanding.

Mrs. ROUKEMA. That is also the understanding of the gentleman.

I want to thank the gentleman because this is a very important portion of this bill. I want to make the particular point for all of our colleagues that we need this clarification to ensure that the children and families are able to receive the best possible treatment but not eroding the rights of the parents in these cases.

Mr. Chairman, I thank the gentleman from Kansas (Mr. TIAHRT) for his amendment.

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman from Kansas (Mr. TIAHRT) for yielding me this time and would urge the adoption of the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

Mr. Chairman, this is a good amendment because at its core it empowers parents, and that really should be what we are all about here in Congress, is finding ways to empower parents to the greatest extent possible. This empowers them through information and putting parents in the driver's seat when it comes to administering various psychological and psychiatric examinations, nonemergency medical examinations and tests that might be required at school.

Giving parents the authority to make these decisions is just one strategy to do two things: one, to make parents a more integral part of the academic and learning experience of their children; but, secondly, to allow parents to be in a position where they have a better opportunity to protect their children from different examinations, procedures, different experiments that take place in America's government-owned schools that are somehow different than the academic mission that most parents assume these institutions are all about.

That is, in fact, what these institutions should be about, and that should be our goal here in the House, is to focus to the greatest extent possible the mission of our public schools on the mission of teaching, on education. Pure and simple. It is important to empower them through the Tiahrt amendment because the options to empower parents further have really not become a part of this bill nor have those amendments been permitted to even be discussed.

The President, in his plan to leave no child behind, had suggested that parents should have the full authority to move their children out of government-owned institutions and into private schools at some point if those public schools have failed to deliver an academic product that was in the best interest of their children. That core provision of the President's bill has been left behind, ironically, and is not part of H.R. 1; but this amendment here is critical and I think addresses that deficiency in the overall legislation to some degree because it does significantly empower parents in a very important area of their child's academic experience and makes sure that their focus is on education and academics and not on experimentation and psychological testing.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first took up the fight to guarantee parental rights when I encountered resistance in trying to obtain information about my own children's curriculum. Since then, I have learned that 11-year-olds have been given surveys asking about explicit sexual practices. School counselors have conducted counseling sessions for treatments that they were not qualified to give, and other abuses have been occurring across the United States.

In closing, let me once again state that my intent with this amendment is to simply clear up the confusion that already exists in Federal law. Any teacher will say parental involvement is imperative to the success of a child during their educational career.

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This amendment states unequivocally, parents have the right to be involved in a child's education. It is pro-family, it is pro-education, and I urge its adoption.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 107–69.

AMENDMENT NO. 15 OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. ARMEY:

In section 104 of the bill, in paragraph (13) of section 1112(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 104), strike ''public''.

In section 106 of the bill, in clause (ii) of section 1116(b)(7)(A) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), strike subclause (II) and insert the following:

''(II) make funds available—

''(aa) to the economically disadvantaged child's parents to place the child in a private school in accordance with subsection (d)(2); or

''(bb) make funds available for supplementary educational services, in accordance with subsection (d)(1); and

In section 106 of the bill, in paragraph (8) of section 1116(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), after ''paragraph (6)(D)(i)'' insert '', (7)(A)(ii)(II)(aa),''.

In section 106 of the bill, in subparagraph (A) of section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106), strike ''public''.

In section 106 of the bill, in subsection (d) of section 1116 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 106)—

(1) in paragraph (1) strike ''(1) In'' and insert the following:

''(1) SUPPLEMENTAL INSTRUCTIONAL SERVICES.—''

''(A) In

(2) strike ''this paragraph'' each place it appears and insert ''this subparagraph'';

(3) in paragraph (2) strike ''paragraph (1)'' and insert ''subparagraph (A)'';

(3) in paragraph (3)—

(A) strike ''paragraph (2)'' and insert ''subparagraph (B)''; and

(B) redesignate subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and indent accordingly);

(4) in paragraph (5)—

(A) in subparagraph (B), strike ''paragraph (6)'' and insert ''subparagraph (F)''; and

(B) redesignate subparagraphs (A) through (E) as clauses (i) through (v), respectively, (and indent accordingly);

(5) in paragraph (6)—

(A) strike ''paragraph (5)(c)'' insert ''subparagraph (E)(iii)''; and

(B) redesignate subparagraphs (A) through (D) as clauses (i) through (iv), respectively (and indent accordingly);

(6) in paragraph (7)—

(A) in subparagraph (B), strike ''subparagraph (A)'' and insert ''clause (i)''; and

(B) redesignate subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and indent accordingly);

(7) in paragraph (10)—

(A) in subparagraphs (C) and (D), redesignate clauses (i) and (ii) as subclauses (I) and (II), respectively (and indent accordingly);

(B) redesignate subparagraphs (A) through (D) as clauses (i) through (iv), respectively (and indent accordingly);

(8) redesignate paragraphs (2) through (11) as subparagraphs (B) through (K), respectively (and indent accordingly);

(9) at the end, insert the following:

''(2) PARENTAL CHOICE.—

''(A) IN GENERAL.—In any case described in section 1116(b)(7)(A)(ii)(II)(aa) the local educational agency shall permit the parents of each eligible child defined in paragraph (7)(A) to—

''(i) receive, from the agency, the child's share of funds allocated to the school under this part, calculated under subparagraph (B); and

''(ii) Notwithstanding any other provision of this Act, use those funds to pay the costs of attending a private school that agrees to—

''(I) assess the student in mathematics and reading and language arts each year during grades 3 through 8 and at least once during grades 10 through 12, using academic assessments that are comparable in what they measure to the academic assessments used by the State; and

''(II) provide the results of those assessments to the student's parents.

''(B) PER-CHILD AMOUNT.—The amount of a school's allocation under this part that it shall make available to the parents of an eligible child under subparagraph (A)(ii) is equal to the amount of the school's allocation under subpart 2 of this part divided by the number of eligible children enrolled in the school.

''(C) LIMITATION.—The amount of funds provided to the parents of a child under this paragraph shall not exceed the actual costs of the parents for sending the child to a private school and providing transportation to such school.

''(D) DURATION.—The local educational agency shall continue to provide funds to parents of a child attending a private school under this section until the child completes the grade corresponding to the highest grade offered at the public school the child previously attended.

''(E) NONDISCRIMINATION.—

''(i) IN GENERAL.—A private school participating in the choice program under this paragraph shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this paragraph.

''(ii) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

''(I) APPLICABILITY.—With respect to discrimination on the basis of sex, clause (i) shall not apply to a private school that is controlled by a religious organization if the application of clause (i) is inconsistent with the religious tenets of the private school.

''(II) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in clause (i) shall be construed to prevent a parent from choosing, or a private school from offering, a single-sex school, class, or activity.

''(III) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in clause (i) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

''(iii) CHILDREN WITH DISABILITIES.—Nothing in this subsection shall be construed to alter or modify the provisions of the Individuals with Disabilities Education Act or the Rehabilitation Act of 1973.

''(iv) RULE OF CONSTRUCTION.—

''(I) IN GENERAL.—Nothing in this paragraph shall be construed to prevent any private school which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the private school is established or maintained.

''(II) SECTARIAN PURPOSES.—Nothing in this paragraph shall be construed to prohibit the use of funds made available under this subsection for sectarian educational purposes, or to require a private school to remove religious art, icons, scripture, or other symbols.

''(F) DEFINITIONS.—As used in this paragraph, the term 'eligible child' means a child from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).''.

In section 401 of the bill, in section 4131(b) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 401)—

(1) strike ''and'' at the end of paragraph (14);

(2) strike the period at the end of paragraph (15) and insert ''; and''; and

(3) insert the following:

''(16) activities to promote, implement, or expand private school choice for disadvantaged children in failing public schools.

In section 501 of the bill, in subparagraph (P) of section 5115(b)(2) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), after ''including a public charter school,'' insert ''or a private school if no safe public school or public charter school can accommodate the student,''.

In section 801 of the bill, in section 8507 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 801)—

(1) insert ''(a) IN GENERAL.—'' before ''Nothing''; and

(2) add at the end the following:

''(b) INAPPLICABILITY.—Subsection (a) shall not be construed to prohibit the use of funds made available to parents of eligible children for sectarian educational purposes under private school choice provisions of this Act, or to require an eligible private institution to remove religious art, icons, scripture, or other symbols.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Texas (Mr. ARMEY) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment, which is offered by myself, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Texas (Mr. DELAY). With the consent of the gentleman from Michigan (Mr. KILDEE), I will just make a few comments and then yield to the gentleman from Ohio (Mr. BOEHNER) for his comments.

Mr. Chairman, this amendment represents the language that was first introduced in the President's bill as he sent it up to the House and represents that very important component of his education package and education philosophy, which is parental involvement in school choice. It is, in my estimation, just the most minimal introduction of the right to choose a school on the part of a parent that is concerned about the performance of the school relative to the child's life, and it is certainly something that this Congress should take under consideration and, in my estimation, we should pass without hesitation.

Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, this amendment that we have before us reinstates the private school choice provisions into the bill, and I think will help rescue children who are trapped in chronically failing schools. I would like to thank the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY) for sponsoring this amendment with me.

This issue is about fairness. It is about equity. It is about providing a safety valve for disadvantaged students.

Mr. Chairman, under H.R. 1, the bill expands choices for parents, but we need to expand it even further by giving parents the option of private school choice in cases where their children are

trapped in failing schools. This was part of the President's original plan and, while far from the only part, it is a very important part.

The amendment would restore all the private school choice provisions that were struck in the bill in committee, except for the demonstration program. Specifically, the amendment would restore private school choice as an option for disadvantaged students who have attended failing schools for at least 3 years. It would restore private school choice as a local use of funds under title IV of the Innovative Education Grants for Disadvantaged Students. It restores private school choice for students who are stuck in unsafe schools and where there are no other public schools to which they could transfer. And, it restores private school choice for students who have been victims of crime on school premises and where there are no other public schools to which they could transfer.

Mr. Chairman, I think it is common knowledge that we already have school choice in this country, except for poor children. Suburban parents, including many members of this body, are more likely to have the financial means to send their children to private schools, but low-income parents cannot afford this option. While we would continue to deny parents with children in failing schools the opportunity that Members of Congress enjoy, I just do not know.

We are told that providing poor children a way out of failing schools will siphon away money from the public school system. Quite frankly, I do not think this argument holds water.

Mr. Chairman, a couple of years ago, Matthew Miller, writing for the Atlantic Monthly, asked Bob Chase, who is the president of the National Education Association, if the NEA would support vouchers in exchange for tripling per-pupil spending for inner city kids, and guess what? Jay said, ''no.''

This is not about money, even assuming, which we should not, that spending more money automatically increases student achievement. This is about an education bureaucracy that is resistant to change and mired in habit. This about powerful lobbies that refuse to accept any change in the status quo.

Where it has been tried, school choice works. Harvard University's Jay Green found that Florida students' test scores have improved across the board since the implementation of Florida's A-Plus program, similar to the plan that we would see in this amendment. And a September 1999 report conducted by the Indiana Center for Evaluation found that participants in Cleveland's scholarship program scored up to 5 percentile points higher than their public school counterparts in language and science assessments.

Disadvantaged students have the most to gain from school choice. Consider the characteristics from those who benefit from Milwaukee's Parental School Choice plan: Fifty-four percent receive Aid to Families with Dependent Children money, they come from families with an average income of $11,600; 76 percent come from single-parent homes, and more than 96 percent are from ethnic minorities.

Mr. Chairman, this is a good amendment. These are good provisions. They will help parents and they will help children stuck in failing schools.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SCHAFFER) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

NO CHILD LEFT BEHIND ACT OF 2001

The Committee resumed its sitting.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, vouchers are a hotly debated topic throughout our Nation. The Michigan and California members of this House are very aware of this debate, having just had major ballot initiatives on private school vouchers recently defeated in their respective States.

In my home State of Michigan, in fact, our private school voucher proposition was opposed by over two-thirds of the Michigan voters, with a similar vote in California. The people of those two States, which are quite a cross-section of America, have spoken very clearly on this issue.

In committee, all private school voucher provisions were removed from the bill with bipartisan support. I believe that the passage of this amendment does jeopardize the many months of bipartisan work that have gone into producing this legislation. I would hope that the House would preserve the bipartisan support for this legislation and reject this amendment.

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

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Armey-Boehner-DeLay amendment because school choice is about one thing. It is about educational opportunity for all Americans, regardless of their race or socioeconomic status. The parents of children trapped in our most dangerous and failing schools are having to challenge a status quo that opposes those opportunities to them.

This debate, Mr. Chairman, between the status quo and the needs of largely minority students is not new. Decades ago, the defenders of the status quo stood in the schoolhouse door and said to some, you may not come in. Now, the defenders of the status quo stand in the schoolhouse door and say to the grandchildren of many of those same Americans, you may not come out.

I strongly rise in support of the Armey-Boehner-DeLay amendment in so much as it is part and parcel of restoring the dream of boundless educational opportunity for all Americans.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, I rise in strong opposition to this amendment. I do so because the very heart and soul of this bill includes not only public school choice in the first year of a failing school where students taking their tests in April and finding that they are failing that test in the summertime are then afforded immediate public school choice that September.

We are expanding in this bill public school choice, charter schools, magnet schools, and then further on in the process, even opening up public school choice more than that for schools that go into the school improvement category.

So we have full public school choice. We are looking with new vision and new boldness to open up more options and empower our parents to make more choices within the public school system.

But this bill is also about accountability. We are saying for the first time in 30 years that schools must be accountable, that failure is no longer an option, whether it be for inner city school kids or suburban kids, and we are requiring them to take tests, and we are saying, we will invest more money to remediate the kids if they fail a test, but we want to know where they are with these tests. We are going to strengthen accountability.

This amendment has no accountability in it. We take the money with the voucher from the public school to a private school, and then there is no accountability there. No test, no trail, no nothing. As a student, as somebody who went to Catholic schools, I am not sure that we want those Catholic schools having to be accountable to the government for curriculum, for testing, for other things.

So on accountability, this amendment fails. I think in terms of public school choice, we are opening that up, I think this amendment fails.

Finally, this amendment would allow us the per-pupil expenditure under title I. That would be the whopping figure of about $639 for a voucher. Now, we defeated $1,500 in committee. This would be less than half that and would really not even get you in the classroom, let alone the front door of the school.

Mr. Chairman, I urge bipartisan defeat of this amendment.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume for

just a moment's comment to the previous speaker.

The amendment does, in fact, have accountability tests in several of the crucial academic areas. But, the gentleman is right, we do not ask the Catholic schools to be accountable to the government, we ask them to be accountable to the parents, the parents that love their child enough to find out how the school is doing by my child, care enough about the child to move the child, and certainly are more interested in that child's well-being than anybody in this government throughout the remainder of that child's life. That school will be accountable to that parent, and the gentleman can comment on that.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Texas for yielding, and I thank him for bringing forward this amendment.

I think the debate and the discussion that I just heard really does crystallize the exact debate as to where we need to hold and what accountability really is.

The President's plan originally talked about flexibility, it talked about accountability, and the accountability was to the Federal Government. What this amendment says is that there is another accountability. It is the accountability of schools, teachers, to parents. To claim that there is not accountability there, this amendment is absolutely false.

□ 1215

This is empowering parents and will force schools to be accountable not to a bureaucrat in Washington, not to a bureaucrat in the Department of Education, and not to a bureaucratic test that is mandated out of Washington.

We know a lot about this Department of Education. If we talk about accountability, we are talking about holding schools in Holland, Michigan, in my district, accountable, when at the same time Congress continues to back away from holding the Department of Education accountable for their $40 billion that they cannot get a clean audit on, and were not willing to allow parents to make the decisions about their kids.

Let us recognize through this process that by empowering parents we are moving accountability to exactly where it should be. We are moving it away from the Department of Education, we are moving it away from Washington, we are moving it away from our State capitals, we are moving it around the kitchen table, where parents can make the decision as to what school and what school environment most effectively meets the needs of their children.

I encourage my colleagues to support this amendment.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this amendment. I agree, and it has been a priority of mine, to improve American schools; and it should be our top priority. I truly believe in the title of this bill, which is to leave no child behind. This amendment goes in absolutely the opposite direction.

Mr. Chairman, the bill before us, as has been noted, does improve our Nation's schools without vouchers. It includes several additional options for students in schools that fail to improve, including public school choice, access to after-school supplemental tutoring services.

In addition, the schools that fail to improve will be subject to consequences. That may include turning the school into a charter school or a takeover by the State. These provisions ensure that no child will be left behind in a failing school, and that scarce educational resources will be used effectively and efficiently to improve schools, and I want to stress this, for all students, not a small, select few.

If this amendment passes, our ability to help public schools improve will be significantly hindered. It will be taking money away from the system; and even worse, the vast majority of the students will be left behind in failing public schools.

How can we in good conscience select a few people from the failing schools to receive vouchers and leave the rest of the children behind? While, I am not a lawyer; aside from the unfairness of this, I would also say that if this amendment were ever to pass and this were in the bill, I am very confident that there would be court cases denying this because of discrimination and the limitations on the voucher system. This would then ultimately become an ''entitlement.''

The bottom line is that vouchers will reduce financial support for the vast majority to support only a select few and will definitely open up significant legal obstacles. I say, leave no child behind.

Mr. ARMEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. OTTER).

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

Mr. OTTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Armey-Boehner-DeLay amendment to H.R. 1, the No Child Left Behind Act of 2001.

But before I speak about this amendment, I want to commend President Bush for keeping another of his promises by making education reform a top priority in his administration.

I also want to thank the gentleman from Ohio (Chairman BOEHNER) for his hard work on House Resolution 1 in keeping education a priority in this 107th Congress. In addition, I want to thank those members of the Committee on Education and the Workforce for their hard work.

Many of the provisions of H.R. 1 are good, particularly those that would increase flexibility for the State and local school districts, the families, the parents; reduce the Federal bureaucracy; encourage and improve teacher quality; and ensure that the basic math, science, and literacy tests are adequately funded.

H.R. 1 would also allow parents the option of transferring their children out of public schools that refuse to improve failing performances and to other public schools within the same district, a measure I support.

However, decisions as important as educating our youth should not be restricted only to public schools. Lower-income American families concerned about the quality and safety of their children in public schools should not be left behind. Just as many families who can afford it, they should be allowed to send their children to schools of their choice, whether it be public, private, or religious.

National opinion polls show that the vast majority of Americans support private school choice. The Army-Boehner-DeLay amendment would do just that, if a school fails to make adequate yearly progress for 3 years in a row.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I oppose this amendment because it provides a disingenuous solution to an indisputable problem.

It is indisputable that there are many children attending subpar schools throughout this country, but I want Members to think about the solution this amendment proposes. It says that children who go to a school where most of the kids fail a test year after year after year can eventually leave that school and take a bit of money with them and then attend a private school where the same testing will not be imposed.

Now, this amendment says there will be comparable tests, but not the same one. See, it is okay to justify people leaving a public school with public money to go to a private school because they could not perform on a standardized test, but then the amendment says that we will not give that same standardized test once the child gets to the private school. It only has to be comparable.

This amendment is an invitation to school fraud, not school choice. It will create a marketplace of fly-by-night institutions posing as legitimate schools simply to sop up this new Federal voucher that will be out there. It will degrade the well-earned reputation of legitimate private schools sponsored by religious and other organizations around the country.

The real solution is what is in the underlying bill: evaluate schools, find

out what they are doing wrong, improve what they are doing wrong, and ultimately, replace the managers who will not make the changes that will make the schools better.

I urge opposition to this amendment.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

My daughter is about to turn 1 year old. It reminds me how fleeting childhood is, how brief is that moment in a child's life to have the opportunity to get the education that a child needs to have the opportunity to live a good life and to have all the opportunities to build a better life that we take for granted.

Mr. Chairman, this amendment today really is not for our kids. It is not for affluent children growing up in affluent homes. They have choice. They can move to the school district of their choice; and if they do not like that, they can afford to pay their property taxes and pay a tuition for the private school of their choice.

This amendment is for the majority of kids, our constituents who grow up in families where they do not have the luxury that that wealth provides. They have the fewest opportunities. They have the most disadvantages.

All this amendment says is if those children are stuck in a school that is chronically failing, if they are languishing in a school for 3 years that is not teaching them, then those parents ought to be free to move that child to a school that will work.

It is amazing to me that opponents of this amendment can say that a poor child with few opportunities who is stuck and languishing in a school that is not teaching him will force him to stay in that school. That is what the opponents are saying. I just do not know how we can do that, with good conscience.

I know there are powerful special interests that have personal stakes in maintaining the monopoly that they currently have. They do not want any kind of competition to upset what they have going. But frankly, the special interests are not the children's interests.

I just have to ask my colleagues not to block the schoolhouse door from the kids who do not have access to the educational opportunities that they deserve.

I want to thank the gentleman from Texas (Mr. ARMEY) for offering this amendment, and I urge all my colleagues to think about all those kids that are in schools that are failing. There are great public schools, but we know there are a lot of schools that are not working. There are a lot of kids that are not getting the education they need and deserve. This amendment would help the kids who need that help the most. I would like to urge my colleagues to vote for this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for his courtesy in yielding time to me, Mr. Chairman.

There has been a lot of talk on the floor about access; but unlike public schools, which serve all children, private schools are not obligated to accept any student. Students that are the most vulnerable and the more difficult and expensive to educate are left out.

In fact, the Department of Education report shows that if required to accept special needs students, 85 percent of the private schools said they would not even participate in a voucher program. It is wrong to divert critical funding from our public schools, especially when all children will not have equal access.

Now, in the areas, the cities that have had voucher programs like Milwaukee and Cleveland, the effectiveness has been inconclusive, at best, in terms of the results for the student achievement. However, what these cities have shown is that vouchers have led to greater class and race segregation in the classrooms, they are draining significant financial resources from public schools, and are primarily serving students already in the private school system.

This committee has labored to provide more accountability and more public school choice. It is a dramatic step backward to adopt voucher amendments. I strongly urge the House to reject them both.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that each side have the debate time extended by 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Armey school choice amendment. I will tell the Members why. As Members of Congress, we already have private school choice, that is, if our children are trapped in a failing public school, we have the resources to get them out.

Why is it that the D.C. public schools are not good enough for the children of Al Gore and Bill Clinton, but somehow they are good enough for the low-income African American kids trapped in these failing schools? It defies common sense and logic.

This is not a complex issue at all. The opponents of school choice say it will bankrupt the public schools. The supporters of school choice say no, it will cause public schools to improve. Who is right there?

All I can tell the Members is that in Florida in 1998, we passed almost the identical law under Governor Jeb Bush. What happened as a result? We went from 78 F-rated schools to only four F-rated schools. One of the schools in my district, Orlo Vista, went from 30 percent of the kids passing the standardized test to 79 percent of the kids passing. Another school district, Dixon Elementary, went from 28 percent of the kids passing to 94 percent in 1 year. It improved public schools by competition.

I urge my colleagues to vote yes on the Armey school choice amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

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

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from Texas (Mr. ARMEY). At a time when public schools are struggling to rebuild antiquated and crumbling school facilities and deal with a record enrollment of over 52 million students, we should not be considering proposals that divert scarce taxpayer dollars from our public school systems to subsidize private and religious schools.

While school vouchers may benefit a small minority of children who have the option of attending a private or parochial school, school vouchers will ultimately condemn the vast majority of our children to an inferior education as a result of the shift in tax dollars from public education to private.

This voucher proposal provides a select few a way out of the public school system while abandoning the vast majority of our children to underfunded and overcrowded schools. The hardest hit will be low-income, inner-city children who are already suffering from a lack of quality educational opportunity.

Rather than defunding public schools, we need to be reinvesting in public schools. Our children's future success in the Information Age will depend on their ability to receive a quality education, and school vouchers are a nonanswer to that challenge.

□ 1230

School vouchers are an attack against public education and an attack against our children. I strongly urge all of my colleagues to vote against this amendment.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Chairman, I thank the gentleman from Texas (Mr. ARMEY) for yielding me the time.

Mr. Chairman, I rise today in strong support of the Armey amendment, which restores all private school choice provisions back into H.R. 1. We are about to start testing our schools to gauge their success at educating our children. But what is the impetus for them to change if parents cannot take their children to better schools?

Many of America's children are stuck in failing schools and are being deprived of a better future because they

have nowhere else to go. This amendment provides the means for parents to rescue their children from failing schools and send them to institutions that will successfully equip them for the future.

School choice is the heart of this educational reform, and it is successful as Milwaukee's school choice program has proven. Yet opponents of school choice are kowtowing to teacher unions and thus sacrificing the future of our children on the altar of politics.

Support the Armey amendment and rescue our children from failing schools that are depriving them of successful lives.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the Committee on Education and the Workforce.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, a sound public school system is the backbone of our Nation, and it is the way to prepare all children for the high-skill, high-wage jobs that will ensure America's leadership in the world marketplace and will prevent at the same time dependency on welfare here at home.

Public education is the backbone of our country. It is why we are a great Nation. Public education is available to all. It does not discriminate, and it must be strengthened, not weakened.

Why is it that voucher supporters go on and on about our poor-performing public schools and do not have a plan to make all schools the best in the world? Instead, they support vouchers that take precious education dollars out of our public school system and give them to private and religious schools.

I have no quarrel with private schools, but we cannot forget that private schools are allowed to self-select their student body, while public schools educate all students.

Mr. Chairman, I am proud to speak up for public education in America. Sure, it is not perfect. Democratic amendments would have helped in this bill, amendments that were not made in order. These amendments would have improved the public school system by reducing class size and repairing old school buildings.

This amendment does not improve public education. It should be defeated. If it passes, then H.R. 1 must be defeated.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, this amendment is the only provision that would offer hope to low-income children trapped in failing schools.

The underlying bill will provide, in my opinion, only marginal improvement, if any, to public education.

Public schools are a monopoly, and they face little to no consequences for failure.

If I brought a bill to this floor proposing we put restaurants and supermarkets in the control of the government, nobody would support it, because everybody knows quality would go down.

We have a serious quality problem in the public education system in many of our poor neighborhoods and inner cities, and we are going to just throw a little bit more money at it; a little bit of competition would go much, much further to help the problem.

We have seen what happened in Florida with Governor Jeb Bush's A+ program. We need to have it throughout our own whole country. It is the best hope for poor families trapped in failing school systems. It is not a little more testing, a little more money.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Chairman, I stand in strong opposition to this voucher educational amendment. We have the responsibility to educate every one of our children. We have the responsibility to make sure that all of our children have access to education and not to deny children.

This does not guarantee that a child will have access to private schools. What it will do, it will simply drain our resources from those schools most in need of help, while providing minimum benefits to students.

It will raid the system, bleeding and hemorrhaging, when we should be funding education at the highest level. I say we have that responsibility to make sure that every child receive that education. We owe it to our children.

This voucher system will not guarantee that. There are different standards that are being proposed. Standards that are being proposed to the public schools that are asking us to give a test; at the private schools, they will not be held.

When we talk about accountability, there will be accountability in our public schools. When we talk about accountability in our private schools, there will not be accountability.

When we say that the parents have accountability, parents have the same accountability to be involved in our public schools, to make sure that our public schools are the best schools in the systems. We have that responsibility.

Mr. Chairman, I urge everyone to vote against the voucher system because we want to make sure that every child has access and ability to go to school and learn and be all they want, and it can only happen by providing assistance, helping our schools become a lot better.

Let us help our public schools. Let us improve our public schools. Let us get involved with public schools. Let us make them the best. Let us make sure that everybody has the same quality of life to enjoy, to be all they want to be, and we can only do that by affording that every child has access to our schools.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from Texas (Mr. ARMEY), the majority leader, for yielding me this time.

Mr. Chairman, I stand in support of this amendment. I have no doubt that every Member of this body, Mr. Chairman, wants to improve education for every child in America. I know people have devoted their lives to try to achieve that goal, and there is no doubt that there are many great educators, teachers, principals across the country who want nothing but the best for our kids.

Just a couple of days ago I was on PS 3 on Staten Island, a great school, great kids, you can see the enthusiasm, not only in themselves and their eyes, but the teachers who want the best for those kids. But that is not the issue. The issue is not those kids. The issue is not getting access to good schools, because that is what we want and we guarantee.

The issue that you have to ask yourself or present to yourself is, if your child is going to a failing school day after day, year after year, and I want to change that and someone tells you you cannot, that your pride and joy, your child, is forced to endure, this offers hope.

This tells those low-income families out there that they have a choice; that they now have an opportunity; that they now will have freedom; and that they can now get a better education where they are not getting it now.

The bottom line here, Mr. Chairman, to those families who have little or no hope and are forced to endure, the families who are working, the parents who have two and three jobs just to pay a mortgage or the rent or to pay the car bill, they have no choice; all we are saying is give those families some hope. Give them that opportunity to send that child to a better school.

I do not know what is so radical about that. What is so bad about that? What is so un-American about that? If anything, Mr. Chairman, I think what indeed is American is to provide freedom to those who do not have it right now.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. RIVERS), a member of the Committee on Education and the Workforce.

(Ms. RIVERS asked and was given permission to revise and extend her remarks.)

Ms. RIVERS. Mr. Chairman, as a former school board member, I rise in opposition to this amendment and to the contention that a voucher program will improve public schools.

Two hundred or 300 years ago in this country, we had a practice, a medical practice called bleeding. And the way it worked was when someone got sick, we would put leeches on the body and let blood be taken out. If they did not get better, we added more leeches and more leeches and took out more and more blood. Not surprisingly, not many patients got better.

Now, this procedure was done with all the best of intentions, but a lot of patients died, and finally the procedure was abandoned. What finally helped patients move forward was new technologies and new treatments.

We devoted effort and resources that ultimately produced pharmaceutical breakthroughs. We developed a knowledge of preventive behavior, things like better nutrition and healthier lifestyles.

Mr. Chairman, instead of bleeding the public school patient dry and condemning it to never getting better, we should do with education as we did in medicine and devote our resources to new technologies, new intervention models and preventive programs like Head Start, title I and teacher instruction. After all, we want our patient to live.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I rise in support of the amendment, and I find it interesting that those who claim to support the children and have an interest in the children are standing up here today in support of a system, they are standing up here in support of a system called the public school system. Unfortunately, it is a very inconsistent system.

My goal, and I think the goal of those who support this amendment, is to support the children, to give the children the best opportunity to have the tools that they have been given by God to be developed as much as they can be.

If their parents believed that they can be developed better in a different school, other than the one that they live in, then they should have that opportunity. This is America. This is the country where parents and families should have the ultimate decision and opportunity to decide how best to use their resources and to succeed.

We spend a lot of money on our public schools; and, unfortunately, the one that seems to be failing the most are the ones on which we spend the most dollars. We would actually save the taxpayers' money and save the children if we would direct a small portion of that money towards a school choice voucher.

Mr. Chairman, I rise in support of this amendment. I support the children, and I believe my colleagues who support this amendment do as well.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK), a member of the Committee on Education and the Workforce.

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

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to this amendment. The whole purpose of our debate on this bill, H.R. 1, is to reform and improve the public school system.

We have spent a lot of time in the last few minutes talking about the failing schools and how by a voucher system we are going to improve the failing schools because we will essentially give parents the choice to get out.

What is wrong with the whole system is that once we identify the failing schools, we do not provide enough resources.

I argue that the tests that we are going to now require of these schools is simply going to target the schools that are failing with more bad news and insufficient resources to help them build back up and to becoming adequate school systems. The whole purpose of the Congress ought not to be in a punitive stance to try to punish these schools. Listen, this is tax dollars we are talking about, Federal tax dollars, that are going into our targeted schools that need help.

Why should the taxpayers of America be sitting here saying that the Congress ought to be giving away their tax dollars to private schools? That is the issue. If we have public tax dollars to improve our school systems, it ought to be designed to pour money into the failing schools, give them qualified teachers, give them the resources they need, buy them the textbooks, improve the school structure, so it is a friendly environment for the students, give them the technology that they need, provide them with the total resources of support.

That is what we need in order to reform our system, not to send these dollars out to private schools where there will be absolutely no accountability.

□ 1245

I oppose this amendment because it is a cop-out. It is a surrender. We ought to be saying we are committed, as the President has said, no child will be left behind in the public school system. Keep them there. Improve these failing schools. Add the resources so that every child can have real opportunity in America.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I am happy to help dispel this myth that school choice is going to destroy our public schools.

The evidence shows that existing schools, the programs that participate in them, whether they are vouchers, charter schools or tax credits, have had a significant and positive impact on both the public schools and the children that they assist.

Time and again, from Wisconsin to Florida, schools and cities with choice have larger improvements on their standardized test scores than similar schools that do not face competition. While choice gives parents the ability to choose where their children go to school, it also gives failing schools the incentive to improve.

This is a win-win situation for all children, but especially poor children who do not have the means to switch to better schools as some parents do today.

I believe that school choice has, at its heart, just one simple idea, and that is quality education for everyone. As the gentlewoman from Hawaii (Mrs. MINK), the speaker before me, just said, no child should be left behind. It is a concept that I will continue to work for as a public official, as a parent, and as a grandparent.

Mr. Chairman, I urge my colleagues to support this worthwhile amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California has 6 minutes remaining. The gentleman from Texas (Mr. ARMEY) has 5½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I would like to note first that this amendment represents blazing guns of an ambush of what was supposed to have been a bipartisan compromise. This is a partisan ambush, this amendment.

We agreed several years ago that a good alternative to public schools, if one wanted to test them out and try to make them more accountable or more innovative, was charter schools. Charter schools was supposed to be the alternative, and not vouchers.

Vouchers are a waste. Vouchers are fraud really. It misleads parents in the most frustrating situations. Nobody wants vouchers except frustrated parents in inner-city communities who want to have a better education for their children, and they have been sold this bill of goods. They have been swindled into thinking that vouchers are the answer.

Most of them think that vouchers are going to pay the full tuition. They are not told that vouchers will only pay a small part of it. I think at most vouchers, under this system, will be able to contribute maximum of $1,500 in some situations, in most situations less. Tuition is far greater than that. The parents do not know.

There was a woman who came before the committee who testified from New York. She thought she would get $8,000 per child through the voucher system because New York estimates it costs $8,000 per child in the public school system. She will not get anything near $8,000 if her child is in this voucher system. It is a fraud. It is a swindle. Frustrated parents are being victimized by high-pressure publicity about vouchers.

The best way to go is charter schools. That is the noble compromise. Charter

schools. But they do not want to go that way because charter schools need money for building and construction. They need the money for capitalization. They need the same kind of effort that we need for public schools. They need resources.

This is a shortcut to get away from providing adequate resources for public education. We want to make everybody accountable except the States, the cities, and the Federal Government to provide resources. This is not the answer. Resources are the answer. We should be honest with parents and tell them that.

Mr. ARMEY. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I am grateful to the majority leader for yielding, but even more so for bringing this amendment to us.

As everyone here knows, this portion of the President's plan was taken out of the bill by the Committee on Education and the Workforce. What the majority leader is proposing to do here is restore what really is the heart and core of the President's Leave No Child Behind proposal.

In fact, if one looks closely at the way the President had proposed even the testing provisions, those testing provisions are predicated on this particular provision that is here before us now. Because real accountability is a matter, not of government taking tests and telling us what the answers are, but it is a matter of empowering the parents who love their children more than anybody here in this city, and by empowering those parents to place their child, when armed with the data derived from testing, into a school that earns their confidence and offers more promise and more hope for their child. That is what we should be about.

Mr. Chairman, just the latest reports crossed our desk within the last few days. Now, there are some who I suppose would not want to read them for the data that is contained. These are reports about voucher programs that exist in a variety of cities in New York and Dayton and D.C.

Here is what the latest report says: ''After 2 years, African American students who used a voucher to enroll in a private school scores 6.3 percentage points higher than African American students who remained in public schools.'' That is in New York.

If one goes to Charlotte, here are the results in Charlotte: ''After 1 year, the results show that students who used a scholarship to attend a private school scored 5.9 percentile points higher on the math section of the ITBS than comparable students who remained in public schools. Choice students scored 6.5 percentile points higher than their public school counterparts in reading after 1 year.''

In the District of Columbia, the results are also the same. The report says that the results ''represented a net positive swing of 17 percentile points from 1 year to the next. An additional year of private schooling, in other words, is estimated to produce a staggering gain of about 0.9 standard deviation.''

Remarkable gains in academic achievement from students who attend private schools with the help of vouchers, much the way the author of this amendment envisions.

Then there is the other report that crossed our desk. I imagine most Members did not want to read this. This is the one from the Program on Education Policy and Governance at Harvard University. This report suggests that the most obvious explanation for these findings is that an accountability system with vouchers as the sanction for repeated failure really motivates schools to improve. That is, the prospect of competition and education reveals competitive effects that are normally observed in the marketplace. Free market schooling is a good idea, and it should be applied to those who suffer from the worst effects of failing schools.

This is the core provision of the President's bill. Failure to restore it really leaves little for us to support.

The CHAIRMAN. The Chair advises Members that the gentleman from California (Mr. GEORGE MILLER), the ranking member, has the right to close on this debate.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

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

Mr. WU. Mr. Chairman, I want all my colleagues to hear and understand that, make no mistake about it, this is a make-or-break amendment. It is a make-or-break amendment as to whether all children in America will get access to a quality education or not. It is a make-or-break amendment as to whether we are going to have a truly bipartisan bill or whether this is going to be straight down party lines and the same old partisan thing.

I urge strong opposition to this amendment for two very important reasons: it is bad policy, and it is so deceptive that it borders on the fraudulent. It is bad policy because this amendment would propose to strip-mine public resources away from public schools and give them to private institutions. I think that is wrong.

It is deceptive because, right out here on the House steps, I was asked by someone, Why will you not support vouchers? I want to take a voucher and go to a private school. I asked that person, Well, are you in poverty? Because if you are not, then you are not going to be eligible for this program.

I want my colleagues to know something else. Under the program as authorized, one would get $1,500. Under the program that is probably appropriate, one is going to get $500 or $600. That will pay for perhaps 10 percent of a parochial education. It would probably pay for less than 5 percent of a fully loaded private education in my hometown.

It is very, very deceptive to think that this measure will create any real choices for the people that we are talking about today. It is deceptive. It is wrong.

I urge all my colleagues to maintain the best bipartisan bill we can and oppose this amendment today.

Mr. ARMEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we are a great Nation. We should be so proud of ourselves. We have taken so seriously as a Nation, as a government, as State governments, local governments, local school boards, principals, superintendents, teachers, and parents our sacred trust. The most important thing we do in our culture is teach our children.

It is so important to us, we spend hundreds of billions of dollars providing for our children's education. We spend hundreds of millions of man hours, legislating, dictating, describing, proscribing, mandating, determining what these little ones will get in the classroom, organizing our unions, administering our schools, electing our school boards, writing our regulations to make sure that we know that they will get exactly what we think is best for their children.

It works out pretty good for most of us. There is a couple of ugly spots here, 6,000 chronically failed schools registered with the Department of Education right now, 6,000 schools that never seem to get it right, 6,000 schools worth of children where all of our attention, all our billions, all our mandating and proscribing, legislating and posturing is not doing them much good. But they are there. We try not to notice that part.

See, Mr. Chairman, there is an awful lot of school choice going on in America. Talk to any relocation office in any business in America, and they will tell us, when they decide between Dallas, Texas and Chicago, Illinois, the schools available for their employees is one of their first and most important considerations. It makes a difference where we create the jobs, how good the schools are, and we move on that basis.

Talk to any realtor, and they will tell us one of the first things mom and dad ask about when they look about moving in a neighborhood is what are the schools like here, what are the schools like there. They never choose to buy the house, when they are free to choose, where the schools are bad. They always buy them where the schools are good.

Good for you, mom and dad. We love our babies. When we can, we do choose the better school. Talk to an awful lot of people that have got the ways and means, and they take their children out of that public school. They may put them in private school. Lord, have mercy, they put them in religious schools. Holy mackerel. Can one imagine a government that will tolerate people putting their children where

they are teaching the Bible? But they do it if they can afford it because it is important to them, and they love their babies, and they want it done right, and that is what they believe.

Sometimes they get so frustrated with the alternatives, they teach their children at home. They do it. They are free to choose. We applaud them. Well, we have got some people here that just do not seem to have that good job, the college education that allows them to teach their own children, the opportunity for a better chance to move. They are stuck, and they are stuck in those schools that are registered with the Department of Education right now, as they have been for 10 years, as schools that are chronic failures.

What we have said with this amendment, for the most distressed children in those most distressed schools, take your title I money which is allocated for distressed students, and let the parents find the better place. We walked away from these children in every regard. We never fix those schools. They are always there.

This bill says, Mom, after your baby has been there for 3 years, you have a chance to do what the rich folks do. Move your child.

Where is the heart? We give a lot of respect to ourselves. We brag about our good intentions. We give a great deal of deference to the unions. We pay a lot of regard to the school board, and we respect and love the teachers. But in the end, there is not a school in America that is about any one of them. The school is not about the kid. The school is about nothing.

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I tell my colleagues that there is no mother in America that should be made to say to her baby, look, I know that school will never get it right, you have been there for 3 years and it is not getting any better, but you have got to go back. To say to your child, I know you had an act of violence committed against you in that school, I know you are frightened, but you have got to go back.

I would not say that. There is nobody in this Chamber that would say that to their child. But here we are saying, if we vote against this amendment, we are telling that heartbroken mother that has to look at our baby and say, honey, go back and make the best of it, because that is all I am able to do, that we have nothing to offer her.

Now, I know that mother, I have talked to that mother. I have seen that mother when she has looked at her baby and said, honey, there is nothing I can do, I just cannot find it. And I have seen that mother when she has gotten just a little tiny scholarship, one that did not pay it all but one that said to her, if I get a second job, I can make up the difference and I can put my baby in a better school.

And I have seen that mother look at her baby with the love that mothers have for their children, and I have seen her say, honey, we have just gone from despair to hope because somebody is willing to share.

I do not ask much from this Chamber. I am not asking for a great deal. I am just saying for that most concerned mother, that most distressed child, stuck in the most failed school, chronically, for 3 years, and feels frightened, scared, neglected and abused, that today has no hope whatsoever, give them that chance to choose as we have chosen, to take their baby from harm's way and put their baby in front of a ray of hope with loving teachers.

And if those teachers be nuns, that is fine with me. Because the nuns know something that most of the public schools should learn, and that is, that if you love a child, you can discipline a child; and if you love and discipline a child, you can teach a child; and you can grow from a baby, boy, a man, who will be happy and successful in their own life and a blessing in the lives of others.

This amendment is about that dream. If there is a mother in this Chamber who does not hold that dream for their baby first, then let that mother vote ''no'' on this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from California has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, America does something that no other country in the world does: It makes a commitment to a child born in this Nation that we will provide them a public education. A free education. We have been doing it throughout most of the history of this country, and we have done a remarkable job. Not a perfect job, not a job that is acceptable to all of us, but we have done a remarkable job. No other country in history has attempted to do what we do here, to take children from any background, to take children of any status and say we commit to them that we are going to provide them an education.

What has been the result of that basic foundation of American society? The basic foundation of American society. The result is the greatest economy in the history of the world; more patents, more inventions than any country in the world, the freest country in the world, the greatest democracy in the world, a public discourse, and more tolerance than any other country in the world. That is not to suggest the landscape in America is perfect; that it does not have its problems; that we do not have our pockets of trouble. We do. We do.

But to come along now and to suggest that we are going to start draining the resources from the public school education system in this country so that we can hold out to somebody the idea that they are going to go and take that $500, and they are going to get a private school education is simply to mislead those individuals. It is simply to mislead those individuals. The harm it does is in draining the resources that are necessary.

We recognize in this legislation, the President of the United States recognizes in this legislation, Democrats recognize in this legislation, and Republicans recognize in this legislation that there are schools that are failing. We make a commitment to fix the failing schools; not run away from them, not leave children behind in those schools, but to fix those schools. That is our obligation. That is the bedrock of this Nation. That is what distinguishes us in so many ways. We should not give up on that now and turn tail and run.

In this bill we provide the resources so that we can fix those schools. That is what this President has said he wanted to do. This Congress took him at his word. Those resources were put into this legislation. And now we are going to find out, because governors are on notice and school boards are on notice and parents are on notice.

We should not give up on a system that has done something that no other country in the world has done, and has given us what America enjoys and benefits from today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. ARMEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 107–69.

AMENDMENT NO. 16 OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer amendment No. 16.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. ARMEY:

After part C of title IV of the Elementary and Secondary Education Act of 1965, as amended by section 421 of the bill, add the following:

PART D—EDUCATIONAL OPPORTUNITY FUND

SEC. 431. EDUCATIONAL OPPORTUNITY FUND.

Title IV is amended by adding at the end the following:

"PART D—EDUCATIONAL OPPORTUNITY FUND

"SEC. 4411. PURPOSE.

''The purpose of this part is to determine the effectiveness of school choice in improving the academic achievement of disadvantaged students and the overall quality of public schools and local educational agencies.

"SEC. 4412. PROGRAM AUTHORIZED.

''The Secretary is authorized to make competitive awards to eligible entities to carry out and evaluate, through contracts or grants, not more than 5 research projects that demonstrate how school choice options increase the academic achievement of students, schools, and local educational agencies.

"SEC. 4413. ELIGIBLE ENTITIES.

''For purposes of this part an eligible entity is—

''(1) a State educational agency;

''(2) a county agency;

''(3) a municipal agency;

''(4) a local educational agency;

''(5) a nonprofit corporation; or

''(6) a consortia thereof.

"SEC. 4414. APPLICATIONS.

''Each eligible entity desiring an award under this part shall submit an application to the Secretary that shall include—

''(1) a description of the proposed research project, including a designation from which local educational agency or agencies eligible students will be selected to participate in a choice program;

''(2) a description of the annual costs of the project;

''(3) a description of the research design that the eligible entity will employ in carrying out the project;

''(4) a description of the project evaluation that will be conducted by an independent third party entity, including—

''(A) the name and qualifications of the independent entity that will conduct the evaluation; and

''(B) a description of how the evaluation will measure the academic achievement of students participating in the program, parental satisfaction and the effect of the project on the schools and agencies designated in paragraph (1);

''(5) a description of how the eligible entity will ensure the participation of students selected for the control group;

''(6) a description of the assessment that the eligible entity will use to assess annually the progress of participants in the research project in grades 3 through 8 in mathematics and reading and how it is comparable to assessments used by the agency or agencies described under paragraph (1);

''(7) an assurance that the eligible entity will assess all students that are participating in the program or in the control group at the beginning of the project;

''(8) an assurance that the eligible entity will report annually to the Secretary on the impact of the project on student achievement, including a discussion of the meaning and an attestation of validity of the achievement data;

''(9) an assurance that, if the number of students applying to participate in the project is greater than the number of students the project can serve, participants will be selected by lottery;

''(10) a description of how the amount that will be provided directly to students for tuition, fees, transportation, or supplemental services will be determined;

''(11) an assurance that schools participating under this part will abide by the nondiscrimination requirements set forth in section 4419;

''(12) an assurance that eligible students receiving assistance under this part will not be defined by reference to religion and that grants will be allocated on the basis of neutral, secular criteria that neither favor nor disfavor religion, and will be made available to children attending secular and nonsecular institutions on a nondiscriminatory basis; and

''(13) an assurance that no private school will be required to participate in the project without its consent.

"SEC. 4415. PRIORITIES.

''In awarding grants under this program, the Secretary shall give priority to applications that—

''(1) provide students and families with the widest range of educational options;

''(2) target resources to students and families that lack the financial resources to take advantage of available educational options;

''(3) are of sufficient size to have a significant impact on the public and private schools of the community that the project serves;

''(4) propose using rigorous methodologies and third party evaluators with experience in evaluating school choice proposals; and

''(5) propose serving students of varying age and grade levels.

"SEC. 4416. USE OF FUNDS.

''(a) IN GENERAL.—A grantee may reserve up to 10 percent of its award for research and evaluation activities, of which not more than 2 percent may be used for administrative purposes.

''(b) GRANTS TO STUDENTS.—A grantee shall use at least 90 percent of its award to provide grants to eligible students, who shall use the grants to—

''(1) pay the eligible educational expenses, including tuition, fees, and transportation expenses required to attend the school of their choice, but in no event more than $5,000 per student; or

''(2) purchase supplemental educational services.

''(c) ASSISTANCE.—All grants provided to students under this part shall be considered assistance to students rather than to schools.

"SEC. 4417. ELIGIBLE STUDENTS.

''For purposes of the activities funded under this part, an eligible student is defined as a student who—

''(1) is eligible for a free or reduced-price lunch subsidy under the National School Lunch program; and

''(2) attended a public elementary or secondary school or was not yet of school age in the year preceding participation in this program.

"SEC. 4418. REPORTING REQUIREMENTS.

''(a) IN GENERAL.—Each grantee receiving an award under this program shall, beginning with the second year of the project, report annually to the Secretary regarding—

''(1) the activities carried out during the preceding 12 months with program funds; and

''(2) the results of the assessments given to students participating in the program and students selected for the control group.

''(b) PERFORMANCE REPORTS.—In addition, each grantee shall, in the third year of the research project, report annually to the Secretary regarding—

''(1) the academic performance of students participating in the project; and

''(2) parental satisfaction; and

''(3) changes in the overall performance and quality of public and private elementary and secondary schools affected by the project, as well as other indicators such as teacher quality, innovative reforms, or special programs.

''(c) REPORT TO CONGRESS.—The Secretary shall submit to the appropriate congressional committees an annual report on the findings of the reports submitted under subsections (a) and (b), and include the comments of the independent review panel in accordance with section 4420(c)(2).

"SEC. 4419. NONDISCRIMINATION.

''(a) IN GENERAL.—A private school participating in the scholarship program under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

''(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

''(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a private school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the private school.

''(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a private school from offering, a single-sex school, class, or activity.

''(3) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

''(c) CHILDREN WITH DISABILITIES.—Nothing in this part shall be construed to alter or modify the provisions of the Individuals with Disabilities Education Act or the Rehabilitation Act of 1973.

''(d) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this part shall be construed to prevent any eligible institution which is operated by, supervised by, controlled by, or connected to, a religious organization from employing, admitting, or giving preference to, persons of the same religion to the extent determined by such institution to promote the religious purpose for which the private school is established or maintained.

''(2) SECTARIAN PURPOSES.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a private school to remove religious art, icons, scripture, or other symbols.

"SEC. 4420. INDEPENDENT REVIEW PANEL.

''(a) ESTABLISHMENT.—The Secretary shall establish an independent review panel to advise the Secretary on technical and methodological issues and in overseeing the activities funded under this part.

''(b) MEMBERSHIP.—The Secretary shall appoint members of the independent review panel from among qualified individuals who are—

''(A) specialists in school choice research, as well as experts in statistics, evaluation, research, and assessment; and

''(B) other individuals with technical expertise who will contribute to the overall rigor and quality of the evaluations.

''(c) POWERS.—The independent review panel shall consult with and advise the Secretary—

''(1) to ensure that the evaluations funded under this part adhere to the highest possible standards of quality with respect to research design and statistical analysis; and

''(2) to evaluate and comment on the degree to which annual reports submitted in accordance with section 4418 meet the requirements under paragraph (1) with such

comments included with the report submitted to the appropriate Congressional committees.

"SEC. 4421. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Texas (Mr. ARMEY) and the gentleman from California (Mr. GEORGE MILLER) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

Let me just say, Mr. Chairman, that we will have the votes on both these amendments later. I fully expect and hope with all my heart that this Chamber will have the heart to pass amendment No. 15. But should this Chamber simply not rise to that occasion, if we should find a lack of love in this body with respect to that amendment, I would offer this amendment.

This amendment solves the concerns we have about the money and introduces $50 million worth of new money to set up five demonstration programs where school systems can voluntarily decide would they like to try a choice program, a scholarship program, and families within those school districts can voluntarily decide would they like to participate. The amendment allows a chance to study the success of children who have this opportunity, to see if they do better when their parents exercise that influence over their educational life.

We have had a lot of debate. I have heard an awful lot of opinion. There are a great many people that oppose the opportunities of freedom and choice in public education, who think my arguments are full of hot air; and there are a lot of arguments I heard against my great ideas that I think are hogwash. But in an academic setting, the logical thing to do is put it to the test. Let us have five small demonstration projects, $50 million worth of new money, and an opportunity to see the one question that we need to see: Does it work for the children? Because in the end, Mr. Chairman, it does not matter, except that it works for the children.

Again, I will say if education in America is not for the children, education in America is lost. Do we dare, do we dare test an idea on behalf of children in America, an idea that says, little one, we dare to respect your parents?

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

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Chairman, I rise in strong opposition to the previous amendment and to this small $50 million project. Vouchers are simply bad business. It is bad policy for our Nation's schools.

It is ironic that the sponsors of this legislation are fighting for voucher provisions while the title of the bill is Leave No Child Behind. If we take dollars continually out of the public school system, we are going to leave many, many children behind.

My objection to the voucher plans are multilayered and logical. First, there is an important question of accountability for the public expenditure of public money.

Secondly, the dollar amount that the President requests would average about only $1,500 per student to spend on alternative education. This is far from enough money. We would be better off fixing the schools that are failing so that all of the students would benefit, not just a handful here and a handful there.

Third, the results from current voucher plans are mixed. I heard the other side talk about how great they were and everybody were winners. For example, a State-sponsored independent review of Cleveland's voucher program found there was no significant advancement made between the students who used the vouchers and students who did not. So this panacea that we are talking about may not be what we hear on this other side.

Lastly, a serious question of the constitutionality of using public money for religious schools surfaces in this debate, Mr. Chairman. We would be much better off using this time to discuss proven, effective ways to educate our children, like the Harriet Tubman School in Newark that I know about, and the Ann Street School in Newark that are public schools that are working so that we can lower class size, improve teaching quality, and have more Federal resources for improving the physical structure of our schools. We want to have school modernization.

As a former teacher, I strongly oppose vouchers.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI), a cosponsor of the amendment.

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

Mr. LIPINSKI. Mr. Chairman, I thank the majority leader for yielding me this time, and I rise today in strong support of the Armey-DeLay-Watts-Lipinski amendment to H.R. 1. This amendment creates a school choice demonstration research program that would research how effective school choice is in improving the academic performance of low-income disadvantaged students.

I first became interested in school choice in 1979, when, as chairman of the Chicago City Council's Education Committee, African American Aldermen brought this issue to my attention. They told me that the only true way to reform the poorly performing schools was to provide for school choice.

The heightened national popularity for school choice has led more and more school districts and more and more State legislatures to consider various parental choice proposals. This amendment would allow five educational agencies to voluntarily participate in school choice research programs. I stress that the amendment builds upon the success of current school choice programs, not by taking funds away from public schools, but by authorizing new funds.

This amendment will allow some students to move from failing schools to safe and academically sound schools. I do sincerely believe that the competition that choice will provide will motivate the public school system to do a better job across the board for the well-being of all students.

Vote for this amendment and my colleagues will be able to bear witness to disadvantaged students succeeding because of school choice.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

(Mrs. DAVIS of California asked and was given permission to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Chairman, I rise in opposition to the voucher proposal that has just been addressed, and also to the pilot proposals that are with us right now.

We have to ask ourselves why would we have a pilot program? And when we have pilot programs, we do want to demonstrate that there is merit to them. And we often want to demonstrate that there is merit in going beyond a particular community or a particular charismatic leader who puts together a program.

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Mr. Chairman, I would suggest to my colleagues that if we are really trying to bring the pilot to scale that is being proposed here today, we have to look at the communities and the communities in which they will realistically be brought to scale.

If I can offer San Diego for a moment, we surveyed the number of private school slots available in San Diego, and we surprisingly found a realistically good number: 1,666 slots. Out of that, 1,300 were religious schools. The rest were identified as nonreligious, but we are looking at a unified school district of 132,000 students. Yes, it sounds innocent to have a pilot program; but would we ever be able to bring that up to scale? You can probably demonstrate that it has merit. I do not question that. You can do that in select areas.

Mr. Chairman, we are trying to go beyond that. We are trying to truly leave no child behind. Bringing a pilot program to scale in communities that really do not have the resources is unrealistic; and I believe it is unfair to the population that we are trying to reach.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that the debate on this amendment be extended by 5 minutes on each side.

Mr. CHAIRMAN. Without objection, each side will control 5 additional minutes.

There was no objection.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in strong, strong, strong support of the Armey-DeLay-Watts-Lipinski amendment to H.R. 1. Given the importance of education to our Nation's future prosperity and security, I think it is vital, absolutely vital, to try new, competitive approaches to improving the education of all schools, but particularly public education in this country. If we want to be sure we are leaving no children behind, we must at the very least research the effectiveness of school choice programs.

We need to study whether they improve the academic performance of low-income disadvantaged students; or whether they do not. In my judgment, instituting a national school choice pilot program is a modest but important step. This program in no way reduces our current commitment to public education. I believe it enhances it.

For years Congress has debated the benefit of school voucher programs, yet there is insufficient evidence on the cost-benefit of these programs. Today we have an opportunity to establish five demonstration programs that allow us to measure the performance of students who receive these choice scholarships.

Why would anyone oppose an opportunity to scientifically measure choice benefit programs? Why would we oppose it? Measure it. We may be right; we may be wrong. Measure it. We need this amendment to pass in order to have this opportunity.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong opposition to the amendments on vouchers. I speak as a representative of South Texas, a representative who has served on local school boards, on the Texas State Board of Education, and now here in the Committee on Education and the Workforce.

I want to talk about the myths and facts about school vouchers. School vouchers are going to hurt the vast majority of kids who get left behind in the public schools. I am talking about students in special population programs that include bilingual education students, limited English proficiency students. I am talking about migrant students who need special programs. I am talking about the challenged and disabled students and the gifted and talented students not given challenging programs and trained teachers in their field, teachers who are not teaching in their major of study.

There are many myths about vouchers, and in the area that I come from in South Texas, $1,500 does not pay a year of private school attendance in the private schools that I have in South Texas.

Many of these schools charge tuition fees far more than the $1,500 average that is being offered. The American public has consistently opposed voucher proposals. Not one single statewide voucher proposal has passed. One does not need to be a nuclear scientist to figure this out. Every poll in the past 30 years has shown that the public is opposed to vouchers.

When President Bush came in, he listened to hundreds of leaders in education throughout the country; and he learned very quickly that vouchers were not the answer to raise the level of education attainment.

Mr. Chairman, I urge my colleagues that we all get together and oppose the two amendments regarding vouchers.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. WATTS), a sponsor of the amendment.

Mr. WATTS of Oklahoma. Mr. Chairman, 4 years ago I stood here on the floor of the House and voted for an amendment that would have given opportunity scholarships to parents whose kids were in failing schools. Regrettably, that did not pass.

I do not know how many boys and girls since then have been failed by poor schools. I do not know how many dropouts would be graduating today with a good education had those scholarships been there to help them.

Today we have an opportunity to offer parents a choice and students a chance. This amendment sets up five demonstration programs with parental choice which would help kids get out of violent and failing schools which have a monopoly on many of our children. Children in failing schools deserve better than the status quo.

Mr. Chairman, I remind my colleagues that their constituents support parental choice. Once more, African Americans overwhelmingly support parental choice, three out of four in some polls. So, too, should my colleagues on both sides of the aisle support the modest proposal to allow parents to choose what school works best for their children.

Frederick Douglass said, ''Some people know the importance of education because they have it.'' He said, ''I know the importance of education because I did not have it.''

Let us not force some kids to come to that sad reality. Let us pass this amendment.

Mr. Chairman, I urge my colleagues to vote for this amendment, give parents a choice and give students a chance.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I heard the gentleman on the other side of the aisle refer to this money as new money. Well, this is not new money. This is money that is not being appropriated for the modernization of our schools, it is not being appropriated for smaller classrooms so there can be better discipline and the children can get more personal attention. It is not being appropriated for more teacher recruitment or mentoring or professional development so that all of the things that we know really would improve the education of our children in public schools could be done. Those are the things that work.

That is what my colleagues tell us vouchers will do, is get those kinds of circumstances, yet they are unwilling to make the commitment in our public schools to see that happen. They would rather privatize education.

Mr. Chairman, we have had privatized education before. It was pre-Horace Mann. What we got as a result was some very exclusive people that could afford an education and many who could not. One of my colleagues on the other side said the only hope for America is this voucher program passing.

Mr. Chairman, I do not think that is close to correct. What hope is in this country is a free public education for all Americans, whatever their social and economic background. That is where we ought to be focusing our attention. False hope is a solution that gives out too little money to pay for tuition, that selects only a few and gives them that too little money, that does not guarantee them a place in any particular school, that does not have them go to a school that has standards to which they are held. Just because at Yale the President is preaching mediocrity in education is a virtue does not mean we have to fulfill that promise here.

In 10 different voucher petitions across this country, the concept did not just get beat, it got hammered. When the American public understands that these voucher proposals do not pay for full tuition, do not guarantee them a school where they want to go, and does not fulfill the promise, they vote against it.

If we want hope for our children, let us make sure that all of our public schools have all of the resources they need to do the things that we know work: Modernize the buildings that they are in; give them smaller classrooms; give them good teachers with good recruitment and good professional development programs.

Mr. Chairman, I urge my colleagues to reject this voucher proposal.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Chairman, I have to ask my colleagues: What do we have to fear? This is a program of $50 million of new money, and the money will

not come from any public schools, that says let us pick out five cities in America and let us give them a chance to try private school choice. And then let us study the issue. Let us study what happens in those five cities, and let us learn from it. That is all it is. It is very simple.

The bill that we have before us aims to improve public education. I think it is a bold plan. I think it will in fact improve public education. What do we have to fear in allowing five cities an opportunity to try private school choice to empower parents?

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. What do we have to lose by actually modernizing our schools? But my colleagues were not willing to do that. What do we have to lose by having more classrooms?

Mr. BOEHNER. Mr. Chairman, reclaiming my time, the point is the bill we have before us will improve public schools. And we have got all types of innovations that will help public schools, but we should not fear this.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. I am still waiting to hear the answer. What does the gentleman fear about modernizing the public schools that exist? What does the gentleman fear about making smaller classrooms in the public schools that exist?

Mr. BOEHNER. Mr. Chairman, reclaiming my time, all of that will in fact happen under the bill that we have before us; but I do not think that we have anything to fear with an amendment like this.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I can answer the question what do we have to lose. Primarily what we have to lose is this country's basic commitment to the little red schoolhouse. That is what America was built on. As communities organized, they formulated the public community school. It opened the doors of opportunity.

And as the slaves were freed, and even before so, they knew that education was a key element to their success, and they moved themselves to the little red schoolhouses and other schoolhouses that were promoted by local governments. As immigrants came, they were able to improve their status in life as we opened the doors of education.

Mr. Chairman, what this legislation does, and what the Cox amendment does that wants to cut $3.5 billion, it takes away our serious commitment to education.

I believe in public schools and private schools. You can get a good education in private schools; but you can get a very good education in public schools. What we should be focusing on now is smaller class sizes, increased teacher salaries, and recognizing that every one of our children can learn.

Mr. Chairman, why not an amendment to increase parental involvement? Do not give up on your public schools. Get involved in the State boards of education and your local boards. Get involved in the local PTAs, but if you begin to dismantle the public school system, what we are built on, what the European greatness is built on, what the South American greatness is built on, we do not see them abandoning their public schools, then we begin to undermine and misrepresent to the American public that we can siphon off $2 and $3 and get a good education.

Mr. Chairman, I am offended by the advertisements that are on television that show that single parents can open the doors of opportunity for their children with a voucher worth about $10.

What we need to do is invest in our public schools: Build beautiful, brilliant public schools; recruit excellent teachers; have smaller class sizes, and again to analyze.

If we look at existing voucher programs, we can study all we want. The Milwaukee program exists. We do not need any pilot programs to know whether vouchers work. We need an actual commitment to closing the digital divide, of enhancing the teaching and the intellect of our young people, of putting them all in the same boat. When they are all in the same boat, that boat rises together.

Mr. Chairman, I am disappointed that we spend our time doing this. I know the intentions are good, but I believe our commitment to America's greatness is a commitment to America's public schools.

Mr. Chairman, I rise in strong opposition to public school vouchers because they are not the solution to fixing public schools. Vouchers divert scarce funds away from public schools—which 90% of all students in this country attend. Siphoning off limited public school funds from low-performing schools leaves the children in those schools with even fewer resources. Further, vouchers benefit those students already attending private schools. Almost no private schools have tuition rates lower than the amounts provided by vouchers.

Vouchers will only be an experiment, not something that we know will improve the education of our children. We need to understand what makes a school successful, and not simply assume that market forces of performance bonuses and penalties will make the necessary difference in our schools.

Those who look at what makes a good school, whether it is public or private, have noticed that they have a lot in common. A successful school has high academic standards and a challenging curriculum for all children; a safe and orderly environment; qualified teachers; and parent involvement.

If we want to improve our nation's schools, we should provide resources to reduce classroom size, facilitate academic training for teachers, create mental health clinics, and boost parent involvement in their child's education.

There is a long tradition in the United States that supports the notion of a free public education for all of our nation's children. By instituting school vouchers we would be placing a price tag on the cost of education for those in our society who are least able to afford the penalty.

I am a vocal advocate on the behalf of our nation's children, because they are also our nation's future. As leaders of this great nation must keep our focus on what is best for our children—by rejecting the idea of public vouchers.

School vouchers are not a fix for what is wrong with our nation's education system. School vouchers to some may seem like a relatively benign way to increase the options that poor parents have for educating their children. In fact, vouchers pose s serious threat to values that are vital to the health of American democracy. These programs subvert the constitutional principle of separation of church and state and threaten to undermine our system of public education.

The Houston Independent School District (HISD) is the largest public school system in Texas and the seventh largest in the United States. Our schools are dedicated to giving every student the best possible education through an intensive core curriculum and specialized, challenging instructional and career programs. HISD is working hard to become Houstonians' K–12 school system of choice, constantly improving and refinishing instruction and management to make them as effective, productive, and economical as possible.

As long as there exist a disparity in funding among school districts within states, and a disparity of education funding K–12 among the states there will continue to be disparities in the education of disadvantaged youth especially taking into consideration the socioeconomic limitations of these communities to augment the educational experience of their children. This must and should be acknowledged by the education reform legislation that we pass and send to the President's desk. We know the realities of education in the United States are that many children are left behind, not at the discretion of the teacher, school district, parent or child, but under the pressures presented by a lack of adequate funding and teacher training.

The fact that this bill is actually increasing the budget expenditure for education should not make us forget that the budgets for education in the past were woefully underfunded. This pattern of underfunding education has existed not only in the budget for education, but in the smaller specific appropriations measures designed to address reduced and free lunch, support the education of individuals with disabilities, and compensation for teachers.

I would like to encourage my colleagues to reject school vouchers for our nation's children and vote against any vouchers being added to this bill.

□ 1330

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I thank the gentleman from Texas (Mr. ARMEY) for yielding me this time.

Mr. Chairman, not too long ago a gentleman was testifying in front of a committee here in this Congress, a gentleman by the name of Al Shanker, late president of the AFT, American Federation of Teachers. When asked by the committee why the AFT was not doing more to help children, why was it not doing more to bring about reform, he said something that was very candid and was almost incredible. He said, when children start paying union dues, I will start representing the interests of children.

Now, everybody got upset about that. A lot of people attacked him. I said right on, because of course he was being very honest. That is exactly what the AFT and the NEA care about. They are unions.

Now, would it not be nice to have this debate framed on the basis of our true feelings about this issue and why we are going to vote one way or the other on vouchers, on school choice? Is it because we really have the interest of kids at heart, or is it because we know the system, the NEA, the AFT, the PTA, the NASB and all the other organizations I have listed there on that chart, we know they are opposed to vouchers but in our hearts do we not believe, every single one of us in here, in our hearts do we not believe that giving those kids an opportunity, a key to the lock that may be on the door to stop them from getting a good quality education, is where we should be? That is what we should be casting a vote on here, not the system.

Mr. Chairman, I have right here, this is title XX of the U.S. Code, 3,200 pages of school law that Federal Government has passed, and we are going to add another 1,000 pages to it pretty soon.

We are going to probably pass another part of this adding another 1,000 pages. All of it to do what? To tell schools how to be good schools, how to provide quality education; 4,000 pages of rules. This does not count the regulations. We could not even fill this room with all the regulations written about it when we could do one thing instead to actually provide true accountability, and that is to pass this one amendment. It could take the place of all the rest of this because we put accountability into the right hands, into the hands of parents. They will make the decision about what is the good school, not us.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I would like to thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in opposition of the two vouchers proposals that are before us today. In our committee on the Committee on Education and the Workforce, we, I thought, came to an agreement where we were not going to put forward these kinds of projects. Obviously, this is not what is occurring before us today, and I am saddened because the people that I represent in my district, the 31st Congressional District, most of whom are low-income, bilingual, Asian and Latino students, are crying out right now for education as a priority.

No deja ningun estudiante detras (do not leave any student behind), and that means those children I represent in my district. Those children want better schools. They want smaller class size. They want parental involvement. Those initiatives are not before us in this education proposal, and I have to say that in my first year or first few months here as a Member of the committee I thought that perhaps there could be an agreement on a bipartisan level here, and I thought that we would be able to realize that reality here on the floor.

I see what is happening that somehow Members on the other side have become captive to another voice, and that voice is saying ''deja estos ninos, dejalos.'' That means ''leave these kids behind.'' And I am saying that the American public, the American public, those voters that I represent, do not want to be left behind. They want to see a better tomorrow. They want to see more funding for our schools that are crippled right now, that do not have adequate teachers, that do not have enough textbooks, that do not have maybe one single computer in their classroom.

In my district, L.A. Unified, where maybe 30 students are there in the fourth grade learning English but do not have the luxury of taking home a book because there are not enough supplies and materials to do that, private schools is not the answer. There are not enough private or parochial schools in my district to facilitate the room. We cannot even find land that is not contaminated to build a school, and my colleagues probably have heard about that debacle in Los Angeles, the Belmont Learning Center. We need to expand educational opportunities for all. That is the American dream for my constituents. That is the American dream para todos los ninos (for all children).

Mr. ARMEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, the opponents of this choice amendment vehemently oppose five demonstration projects, and instead they want a lot of new Federal programs and money for careful education reform. There is just one little flaw in that approach, and that flaw is that we have been passing new Federal education programs for careful education reform over the last 35 years.

We have been tinkering with the public education system over the last 35 years. We have been increasing money at the Federal and State and local level over the last 35 years, and student achievement has been declining over those same last 35 years.

There are some other constants in those 35 years. American public education remains an enormous monopoly. It used to be the second biggest monopoly on earth after the Soviet state. Now it is the biggest monopoly.

What is another constant? That parents, poor parents, have no choice about where to send their kids to school.

Mr. Chairman, after 35 years of failure, why do we not simply try something fundamentally new, in a careful, pilot-demonstration-project sort of way?

The gentlewoman from Texas (Ms. JACKSON-LEE) asked for an amendment for increased parental involvement. This is it. What better way to get increased parental involvement than, once and for all, to empower parents over the system, the education bureaucracy? This is empowering parents.

So let us try something new and try to turn that declining student achievement around.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, this is a very special day in the House of Representatives when those who support this amendment are overwhelmed with compassion for the parents of low-income children. That is not the case when we bring a tax bill to the floor and they refuse to make their tax credit refundable so low-income families can have it. That is not the case on a normal day on this floor, when no legislation to provide health insurance to the 44 million uninsured people of America is brought to this floor.

That compassion is sorely lacking when there has been a commitment by the majority not to move a bill to raise the minimum wage of many of those parents that we are talking about today. This is a very special day when compassion for those families seems to come to the forefront. A year-long, a life-long commitment to that compassion would defeat this amendment and pass legislation that would provide health care and housing and jobs and real opportunity for those families we hear about from the proponents of the amendment. Defeat this amendment for real compassion.

Mr. ARMEY. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I think that the important point here is that we are trying to find ways to improve public school

systems. I sat for 2 years with the gentleman from Michigan talking about dollars to the classroom.

They are right, we have to get the dollars to the classroom. Let us remember that the Federal dollars are only about 7 or 8 percent of the total budget. Ninety-two percent comes from the local district.

We ought to have confidence in the local school districts to provide the education that these youngsters need.

Why do we want to spend this limited amount of Federal dollars that we are trying to allocate to these poor districts and spend it out in the private sector, into private schools? If the private entities want to participate in the education of our poor, disadvantaged children, they can do it now. They can take State dollars. They can go in and take local dollars. There is no prohibition. They are free to do it, and they are welcome to do it. They can experiment all they want to. They can set up demonstration projects, but for heaven's sakes do not take the limited Federal dollars that we are trying to allocate for these poor districts.

Mr. ARMEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, here I am again. There is a great song by Johnny Cash and Ray Charles, a song titled, ''I am Like a Crazy Old Soldier Fighting a War on My Own.'' I feel that way sometimes on this question of scholarships for children.

I fight this fight, it seems, every year. Sometimes we win. Sometimes we lose. A couple of years ago, we got it through the House, we got it through the Senate, got it to the President. Bless his little old heart, he could not find it in his heart to sign that legislation. It would have given an opportunity to some youngsters here in D.C.

I keep asking myself, why do I keep fighting this fight? It is not about children in my district. Certainly it is not my children in my family. It is mostly about children I will probably never see, but it is about some youngsters I have seen working with the Washington Scholarship Fund. I, for several years now, have kept 15 or so little ones on scholarship, managed to get folks to chip in and watch them, watch the brightness in their mamas' eyes when they see the hope, the chance to get a little guy out.

I remember one little fellow, Kenny. He came to us. Darryl Green brought him over and introduced him. Poor little guy was scared half to death, over weight, unhappy, shy. We got him a scholarship. He got out of the school where he was frightened. He got into another school. The nuns were a little tough on him I heard, but they loved him and he learned.

I saw him about a year later. He was the life of the party. He was a happy boy. I saw school choice work in that child's life.

I also saw it work when he got a scholarship from the best private high school in Washington, D.C., a high school that people from his neighborhood rarely get a chance to attend. Probably got a lot of congressional children there, but they do not have very many people from Kenny's neighborhood. I have seen his mama watch her boy have something she never thought she had in her life, a chance.

We saw Ted Forstmann and John Walton try the same idea all over America, and we saw the families line up, the parents line up. I saw the disappointment in one mama's eyes in Chicago and right here in D.C., when the money that Forceman and Walton brought to town was not enough and there just was one scholarship short for her child.

We saw the sadness and, bless his heart, I saw Ted Forstmann reach into his own wallet and bring out enough money so that baby could have a scholarship, too. We saw it work in those lives.

We saw it work when Virginia Gilder tried it in Albany, New York. We saw it work in California. We saw it work in Milwaukee. Wherever we have seen children with a chance, we have seen it work in the lives of the children. But it is more than that. We have seen the schools improve, as one superintendent said, when they had a choice program, privately funded.

His exact words were, we have to get better or we will lose our children. It is a wake-up call for some of those 6,000 schools up there that are always on the Education Department's list of failed schools. It is a chance.

Now, since none of these programs I am talking about were sponsored by the government, we are free to ignore them, pretend they are not there. Do not look at the evidence. Do not accept the facts. They are something special. We do not need to pay regard to that evidence. We can keep our opinions pure and free from any adulteration from facts and keep our allegiances strong to those who fear freedom and choice and prefer control and mandating.

Yes, my heart is in this. It is not an idea with me. It is about children, children that capture the heart, children whose faces shine because they got a chance, and mothers with hope. And I am tired. I am tired of the baloney. I am tired of the hogwash. I am tired about the masquerade. I am tired of the fear.

Hope is a wonderful thing. I have seen it work in the lives of babies and children. I have seen it work to the improvement of schools.

Fear is a horrible thing. I am hoping this time it will be different. I am hoping this time when we take that card out of our pocket and we face an amendment on this one very small effort, shucks, this government even in the Education Department itself will waste $50 million before the sun sets on this day. We know that. One small effort, where we would find it impossible to ignore the facts of the matter. That is what the fear is about.

□ 1345

The fear is that if we really have a government program where we really give it a legitimate test and it is run through the Department of Education, we will not be able to ignore the fact that it works in the schools and it works for the children. That is a mighty frightening thing, to be afraid of the truth, should it come out. Of course, if one is afraid of freedom, one should fear the truth.

So I ask my colleagues, all of them: we have a chance today to vote on this. Take this card out of your pocket and look at that card. For once, just once in our lives in a congressional career, put the special interests aside, put the idealogical high-boundness aside, but the institutional considerations aside. Just once, just give me a vote for the kids, just once. Let us put the kids ahead of all the rest of us. That is what this is about. It is only about the children. Bless their little hearts. They try so hard and we can be so damnably callous.

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

Mr. GEORGE MILLER of California. Mr. Chairman, for purposes of closing the debate, I yield the balance of my time to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I am glad to follow my colleague from Texas, because we could not be any more different, I guess.

I have two children that went to public schools and they did very well. They did not come to D.C., but they went to schools in my own district in urban Houston.

This is a good bipartisan bill. It raises the authorization levels to amounts that we hope to be able to match, and I hope that next year we will do it and this year, with the appropriations.

Vouchers go the opposite way of the intent of this bill. It takes money away from public schools. Public education is not a monopoly. We as parents already have that choice. The statement I heard that there has been a monopoly for 35 years and the failure of the public school system is outrageous. Who do we think has been running this country for the last 35 years? The 95 percent of the people who went to public schools in this country. The product of our public schools are the ones who run it.

This amendment is a slap in the face of thousands of educators and parents who believe in public schools every day and work hard. I have been to every public school in my district and I will take my colleagues to the depths of the inner city in Houston and show them quality education in the public schools.

There is another country western song my colleague may remember. The teachers and the parents and everyone who works hard every day to make our public schools work, they may want to say, ''take this job and shove it.''

Mr. BLUMENAUER. Mr. Chairman, since coming to Congress my goal has been to ensure that the federal government is a better partner in building more livable communities. Access to quality public education is a key component of a community that is safe, healthy and economically secure.

The public knows and has demonstrated at the ballot box and public opinion surveys that not only the federal government must make investment in our public schools its top priority, but providing private school vouchers undercutting precious resources for our public schools is not the way to improve education.

Unlike public schools, which serve all children, private schools are not obligated to accept any student. Students who are most vulnerable and are often more difficult and expensive to educate are left out. In fact, a Department of Education report showed that if required to accept special needs students, 85% of private schools said they would not participate in a voucher program. When all students do not have equal access to education, it is work to divert critical funding from our public schools.

In the two cities that have voucher programs, Milwaukee and Cleveland, their effectiveness has been inconclusive. Milwaukee's program, after 10 years, has shown little or no improvement in student achievement relative to comparable public school students. However, what these cities have shown is that vouchers have led to greater class and race segregation in classrooms, they are draining significant financial resources from public schools, and are primarily serving students already in the private school system. In Milwaukee, two-thirds of voucher recipients were already in private schools or just beginning kindergarten, in Cleveland, three-fourths of recipients were already enrolled in private schools or just beginning kindergarten.

The Committee has labored to provide more accountability and more public school choice in this legislation. Reject the amendments for vouchers—they are a step in the wrong direction on both counts.

Mr. BROWN of South Carolina. Mr. Chairman, the foundation upon which every American child's future is based begins with a quality education. This amendment provides a vehicle to ensure this ideal becomes a reality. Every child deserves a good education, not just those whose parents can afford to send them to a different school.

In the past, the solution to America's education problem has been to simply throw money at it. While the federal government has spent billions of dollars on education, there are still countless children trapped in failing school systems. This amendment acknowledges that money alone does not provide for a quality education, but instead requires strengthening the framework of America's schools; in other words, fundamental reform.

To achieve this vision for reform, it is essential to close the achievement gap and provide disadvantaged students with the same opportunities as other children. In recent years, society has increasingly forgotten those children who have not been afforded the basic needs with which to fulfill their dreams. It is unacceptable that in the twenty-first century nearly 70 percent of inner city and rural fourth-graders cannot read at a basic level. Illiteracy has far-reaching consequences that affect social development and opportunities for successful employment.

Many lawmakers, including myself, want to involve parents more on education. Why shouldn't parents have the right to send their children to the school of their choice? Students need opportunity and parents need options. This amendment is the first step in giving parents choice and students hope. Unfortunately, many of my colleagues are against this type of parental choice. Let me address three of their concerns.

First, parental choice opponents say this option would take federal funds away from the public schools that most need the money. Let me be clear—the last thing we want to do is take money away from public schools that need to improve. This amendment does not take money away from public schools; instead, the amendment includes an additional authorization of $50 million to fund the demonstration projects and the related research. $50 million is a small price to pay for the opportunity to test the effectiveness of this type of parental choice.

Second, parental choice opponents say we don't know if private school choice contributes to improved education, either for those who go to the private school or for those left in the public school. Let's change that; let's increase our level of knowledge. Let's do a demonstration that will provide the research data we need to make this determination. If there is any possibility that this type of parental choice will improve education, then can we afford not to try?

Intuitively, of some disadvantaged students transfer from a failing public school to a private school, and the failing public school still receives the same funding, the result is increased per student funding and smaller class sizes in the public school. Therefore, school choice should contribute to improvements in education, not only for students who transfer to a private school, but also for the students remaining in the public school. Let's test this theory to make sure it really happens. This amendment provides the accountability, measuring, and research we can rely on to make future parental choice program decisions.

Finally, parental choice opponents claim that the majority of the American people are against private school choice. Even if that is true, don't we have the obligation to provide a voluntary demonstration project for those who support private school choice; those who don't have any other choices? This amendment provides for up to five demonstration projects. The projects are completely voluntary. Therefore, we may have five demonstration projects going, on a first come, first served basis. On the other hand, if no one wants the private school choice option, we will have zero demonstration projects going. Let's not base our entire policy on what opponents say the majority believes, if we have another option. This amendment provides that option.

The political reality is that H.R. 1 will not pass if complete private school choice is included in the bill. However, the other part of the political reality is that H.R. 1 may not pass if some type of private school choice is not included. This amendment is our last chance to include private school choice to make final passage of H.R. 1 more likely. We need education reform. We need to pass an elementary and secondary reauthorization bill. We need H.R. 1. I urge my colleagues to vote for this amendment; it might make the difference between education success and education failure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. ARMEY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 17 printed in House Report 107–69.

AMENDMENT NO. 17 OFFERED BY MR. AKIN

Mr. AKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. AKIN:

In section 104 of the bill, at the end of section 1111(b)(4) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 104), add the following:

''(L) be tests of objective knowledge, based on measurable, verifiable, and widely accepted professional testing and assessment standards, and shall not assess the personal opinions, attitudes, or beliefs of the student being assessed.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the purpose of this amendment is to deal with this question of accountability. We have talked about it. Of course the reason that testing is in the bill is because we care about accountability. I do think there is a problem and that is that there is no way to have accountability without objective test questions. So our amendment simply requires that the test questions be objective, that they be based on measurable and verifiable data.

In other words, if we had five educated people take a look at a particular test question and they read it over, what they would say is that the answer is clearly A and it is not B, C, or D. So that is the purpose of this amendment, is simply to say, if we want accountability, we need objective questions.

Now, there are some questions that appear in tests sometimes, one might

think that they are all objective, but some are not. Here is an example. Do you think that this is a good story, or how interesting did you think the story was? Those are subjective questions and we are saying that those are not a good basis for trying to do accountability. They are not objective. These questions did actually appear on some various tests from different States.

Our amendment goes also to a second point, and that is that the amendment prohibits the assessing of personal opinions, attitudes or beliefs. I do not believe there is anybody who thinks it is reasonable for us to be testing a kid and measuring them up or down based on what their religious persuasion is or their political persuasion or things that are personal attitudes or beliefs, and so we do prohibit that type of question.

The amendment also allows for a full range of testing strategies.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. AKIN. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I would like to ask the gentleman whether or not his amendment would prohibit essay tests.

Mr. AKIN. Mr. Chairman, it is not my intent to prohibit essay, short answer or any other types of questions on the test.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for that response.

Mr. AKIN. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume. We have no opposition to this amendment with the gentleman's explanation that he just gave that there is no intent here to prohibit essay or short responses on test questions, and we support the amendment.

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

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time. I welcome the fact that we are able to find some agreement amidst what could be contentious, because when we discuss the issue of education reform in any district with someone of any political party, the one thing that keeps coming up is the notion of accountability. Yesterday, this House went on record saying that we would have sufficient measurements of accountability.

What the gentleman from Missouri, my friend, does with this amendment is reaffirm the objective criteria which should be the watchword for this.

The Federal Government should not micromanage nor try to evaluate feelings, perceptions, opinions. What we seek to do here is use objective criteria to maintain that sense with this House on the record with this amendment, and I welcome this unanimity, if you will, with reference to the amendment, and I commend the gentleman from Missouri for bringing the amendment to our attention. I urge its passage.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER), a member of the committee.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California (Mr. MILLER) for yielding me the time.

I want to take us back to yesterday's key vote on maintaining the testing provisions in this bill that really are the guts, the soul of this bill, in terms of accountability, in terms of trying to fairly and objectively measure these children's performances, find out the weaknesses, and then remediate those weaknesses.

We had a strong bipartisan vote yesterday to maintain these tests. But I think many of us, as the author of this amendment must have, many of us have reservations about these tests. I want to continue to say as we go forward that one, these tests need to be diagnostic in nature. They should not be high stakes tests, they should not drive teachers to necessarily always teach to a test; they need to be motivated and aligned with standards so that we find and remediate problems that children have and try to help them solve those problems so that they can be promoted to the next grade level. Diagnostic is key in all of this, and I hope we work on this in conference.

The second concern for me will be the appropriation level. This authorization is good, it is healthy, and we are going to have a vote later on on the Cox amendment, and we are going to see in this body how many members, when they talk about their concern for the poor, their concern for title I students, their compassion, their compassionate conservatism, we are going to really see if they want to spend this money on new ideas to remediate children, or if really they would rather spend the money on repealing the estate tax for the wealthiest people. We want to reform the estate tax, but there are a lot of people that would repeal it for everybody. So that will be a key amendment, and that will be a key as to how we allocate our resources around here in the future.

So again, to conclude, diagnostic tests that help children and do not result in high-stakes teaching to tests, and sufficient appropriations to match this authorization level opposition to the Cox amendment later on that would cut $2 billion out of this authorization level.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, this is an important amendment and one that I am encouraged will be adopted, because it does make absolutely clear and moves us in the direction of insisting upon testing that is objective in nature, that which relies on, or is oriented toward academic skills and proficiency on core academic subjects. It underscores the reality that I think we all need to be aware of, and that is that testing does have a direct impact on curriculum ultimately, and if we are capable of narrowing the content of testing to those skills that are the subjective components of classroom learning, it makes it more likely that curriculum will not be simply built only according to the tests.

But ultimately, this testing data needs to be useful to someone. It needs to be useful either to the government, which is what H.R. 1 that is before us suggests, or it will be useful to parents, and which the amendments that will be voted on a little later and perhaps maybe in another time from now, we will be able to get closer to the President's vision and his Leave No Child Behind plan that parents will have the ability to use this important testing data to choose a school that that is in the best interest of their child.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume just to say that we have no opposition to this, but I would like just for a second to follow up on what the gentleman from Indiana (Mr. ROEMER) said, because I think as we try to determine the role, the proper role, if you will, for testing, I think that the gentleman from Indiana made some very good points. We ought not to be, and I think that the concern of people who voted against testing in many instances, in talking to them, was that we were trying to use tests for things that they were not properly designed for.

The States are controlling this, but I think they clearly have to start thinking about, does this test accurately give us a picture that allows us to make some assessments, or is that an improper use of that exam, and what vehicles could we use to do the diagnostic work that the gentleman talked about so that we could then concentrate the resources on a child that is struggling with math or with reading and get that child up to speed.

□ 1400

The test does not necessarily tell us that, so we would hope that in this consideration of the proper role of testing that the States would think that through, because obviously, as we see around the country, there are many communities, many parents, many educators who are very, very concerned about the valid use of testing.

I certainly believe that is a key component of the accountability provisions of this law, and I think this amendment helps us in that regard.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank my colleague for yielding.

I congratulate the gentleman from Missouri (Mr. AKIN) for his amendment, and thank him for his willingness to work with Members on both sides of the aisle to bring about an amendment that gets us to truly objective tests, that provides safeguards to make all of us as policymakers more comfortable with the steps we are taking in this bill.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I thank the gentleman from Missouri for his amendment, because if we truly want to measure objective improvements, then testing must be done on an objective basis.

Is it not common sense to require test questions which measure what a student knows, rather than how he feels? Requiring a student to share personal opinions, attitudes, and beliefs does little to measure how he is doing and what he has learned in school.

Most troubling is that subjective test questions lack a verifiable right answer. Who determines what the correct answer is?

Here is an example: After reading a paragraph on a test, how would one answer this question: ''Do you think this is a good story? You have three choices. A is yes, B is no, and C is I don't know.'' Would we get the right answer?

This question actually took place on a test, and it tells us nothing about the student's knowledge or understanding of the subject.

I urge my colleagues to support this amendment and require testing to cover only objective knowledge.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 107–69.

AMENDMENT NO. 18 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. STEARNS:

In section 1116(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill, insert after paragraph (5) the following and redesignate any subsequent provisions accordingly:

''(6) ADDITIONAL NOTIFICATION.—Not less than once each year, each State educational agency shall provide the Secretary with the name of each school identified for school improvement under this subsection.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. STEARNS. Mr. Chairman, the amendment that I am offering to H.R. 1 would require that the State educational agencies make known in the form of a report to the Department of Education those schools that States identify as not making adequate progress in educating our children.

The Department of Education would then be required to send a report to Congress with this same information. This information would be a valuable resource, both to the Department of Education in carrying out its responsibilities, and, of course, to Congress in determining the level of funding needed.

A school enters an improvement status when it fails to meet those State targets for improving student performance. These targets, of course, vary from State to State. Once identified for improvement, schools, with support from their districts, are given assistance and resources to improve student achievement.

The number of title I schools across the country identified as needing improvement may be over 8,000. I say they may be, because we do not actually know which schools the States have identified as failing our children. Numbers alone do not tell us how long individual schools have been in improvement status.

Under current law, the Department of Education is prevented from gathering this valuable information, which greatly hampers them in determining the needs of a low-performing school so they can better support State and local reform efforts.

Instead of this creating more work for the local educational agency, this amendment, Mr. Chairman, actually relieves them of the burdensome task of having to respond to individual requests from the many programs that use this information. In effect, it streamlines the efforts of all who are involved in the effort to provide the best education to our children.

Specific information on those schools identified is important so that we can assess which schools are not meeting State improvement goals. The information will also provide a baseline for determining the number of schools that improve.

Mr. Chairman, $23 billion is a large amount of money, so it is imperative that in this body we are responsible and fully aware as to how this money improves our local schools and, of course, if it exceeds our expectations.

The President's plan involves great accountability. This amendment is only an extension of that principle. This amendment is insistent upon requiring that all schools be held accountable by name. Individual schools will no longer hide behind an anonymous number. If we are sincere in wanting to ''leave no child behind,'' we must first know those children who are at risk.

This is by no means an effort by the Federal Government to garner greater control of the local schools. Rather, Mr. Chairman, it is about facilitating access to very important information.

So this is a simple idea and a very simple amendment. It shines the light of day on those schools in greatest need. My amendment lifts the veil on those schools that are found to be failing and enables the Department of Education and, yes, the United States Congress, to address those needs.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have examined the amendment. We have no opposition to it.

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

Mr. STEARNS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, on that I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

It is now in order to consider amendment No. 19 printed in House Report 107–69.

AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. TRAFICANT:

In the matter proposed to be inserted as part E of title VIII of the Elementary and Secondary Education Act of 1965 by section 801 of the bill, insert after section 8520 the following:

''SEC. 8521. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE; USE OF AMERICAN-MADE STEEL.

''(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance

under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

''(c) USE OF AMERICAN-MADE STEEL.—A school system receiving financial assistance under this Act for construction shall use American-made steel for such construction and shall comply with the requirements of the Buy American Act.''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed will each control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition not otherwise taken.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I have been offering buy-American amendments in this Congress for a number of years. I believe this is a good bill; and I want to commend my colleague and friend, the gentleman from Ohio (Mr. BOEHNER), and one of the fine leaders on our side of the aisle, the gentleman from California (Mr. GEORGE MILLER), for a good bill.

Certainly there can be some improvements. However, there are some concerns that I have and some recommendations that I want to make. I want to make this to the Republican leadership, even though I know there are other complicating issues that would surround the issue of construction.

I believe the gentleman from Michigan (Mr. KILDEE) and the gentleman from New York (Mr. OWENS) are exactly right. We in Congress have built a number of prisons, and I do not demean the Congress for such action. But, Mr. Chairman, we have put but little money into construction of school facilities.

I do not believe we have to put a ton of money into it, Mr. Chairman. It could be a 20 percent participatory matching thing if local money and State money is available. But I think in conference or in some mechanism, the Republican leadership should look at that issue.

What the Traficant amendment says is that, number one, on any funds expended under this bill, it is the sense of Congress that when making purchases, they shall buy and we should buy American-made products. But it also says that a notice shall be given of same by the Secretary when awards are made.

There is one last provision. It deals with the hope and what I think is the righteousness of placing some construction money in with attachments, even if it is just 10 percent, 15 percent, for those hard-pressed communities that cannot afford to build new schools, where they have trailers outside, Mr. Chairman.

It says when they make such construction, if they receive money under this bill, they shall use American-made steel in such construction.

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

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the author of the amendment, the gentleman from Ohio (Mr. TRAFICANT), has a very good amendment. We certainly do not have any problem with it. Certainly I support the buy-American amendments that the gentleman from Ohio has offered over the years.

To the extent some money in this bill could be used for school construction, I certainly do not have any problem with the gentleman's amendment and will accept it.

Mr. Chairman, on an unrelated issue I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, it was my intention later today to offer an amendment to allow for a Straight A's pilot program to give States additional flexibility to demonstrate how they could achieve better student performance by replacing Federal programs with innovative programs at the State or local level.

However, I will not be offering the DeMint Straight A's amendment today. Yesterday, I met with the President and the Vice President, and we agreed that the State and local flexibility provision will remain a top priority for the final bill, but that this important idea would be best served if I withdraw the amendment at this time or did not offer it.

I want to thank the President for his assurance that he will use all the resources available to him to make sure that Straight A flexibility for States and local school districts is a part of the final education reform bill.

I also shared with the President that without the Straight A's language, I would be unable to support the current bill on the floor today. While I am reluctant to not vote for the bill, I feel I must, given the absence of key education reform provisions on flexibility and choice.

It is my hope and expectation that this important Straight A's flexibility provision will be included in the House-Senate conference bill. Mr. Chairman, Straight A's is a good education reform policy, and the pilot program is worthy of inclusion in the final education package.

The DeMint Straight A's amendment would have allowed seven States and 25 local school districts the option of entering into a performance agreement with the Secretary of Education. Under approved, results-oriented contracts, State and local school districts would be able to combine funds from a few or all of the eligible Federal formula grant programs that they administer at the State level and would be free from most of the administrative costs of those individual programs.

In exchange for this flexibility, participating States and local schools would have to meet their performance objectives for improving student academic achievement.

Mr. Chairman, this House has already passed an even less restrictive version of Straight A's last year, so most of us have already confirmed that we believe the flexibility provided in Straight A's is exactly what America needs.

I know we all want the same outcome: excellent schools all across the country which provide all children access to a solid education. In order for that to happen, we cannot continue the status quo. We need to declare failure as unacceptable, challenge the status quo, and provide the mechanisms necessary for positive change to occur.

This amendment would not have required any State or school district to participate. It would be a pilot program to give a few States and local school districts around the country the opportunity to break the mold, to be innovative in their approach to education.

Under Federal law, all they run into is red tape. This would give them the open door to truly meet the needs of their students and work to close the achievement gap in the manner that best suits their State and local districts.

The bottom line is that States and local schools must show that their students are learning, not that the bureaucrats are checking the right boxes to continue Federal funds. The freedom would be refreshing.

□ 1415

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER), my distinguished friend.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding me the time.

We on our side of the aisle, Mr. Chairman, support the sense of the Congress amendment to both buy American steel and also conform to the Buy American Act.

We wish we would have had the opportunity to have a school construction amendment on the floor so that this amendment would even mean more.

Mr. Chairman, with regard to the colloquy that just took place with the gentleman from South Carolina (Mr. DEMINT), I want to continue to say that I strongly support this bipartisan bill.

However, with the inroads towards removing some flexibility at the local level and delivering dollars directly to the classroom yesterday with the Tiberi amendment, I am glad that we will not go any further on the DeMint amendment and that this conference, I hope, will not go any further.

I think if we continue to go through a Straight A's sloganeering, bumper sticker approach that we will lose bipartisan support for this bill left and right and that the tight middle that

has held this bipartisan agreement together could erode very quickly.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to close with these comments. I have served with the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, now for a number of terms. The gentleman is one of the more distinguished Members from the State of Ohio.

I say to the gentleman from Ohio, I am making an appeal to the gentleman. I do not care if it is 10 percent, 15 percent, I think it is not just good for America, it is good for Democrats, it is good for Republicans, it is good for all of our schools to have at some point in conference some money put in for construction.

I know there are other issues concerned with it, but we need to handle those issues, even if it is just a 10 percent commitment. But when the local tax people, the local residents are raising taxes to build schools and some of them are impoverished, like in my community, and when the States are willing to help, we should be a participant in that process.

There should be no trailers outside of schools that are dangerous to our children.

Mr. Chairman, with the fine job the gentleman from Ohio (Mr. BOEHNER) has done, I am going to support the bill; and I commend the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER).

I am asking the gentleman from Ohio (Mr. BOEHNER) to give that consideration.

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

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I congratulate the gentleman from Ohio (Mr. TRAFICANT) on his amendment. No one in America wants their child to go to a bad school. We know the difficulties of building new school buildings across the country are very different.

In our home State of Ohio, the State government was never involved in the building of school buildings until recently. As the gentleman knows, in Ohio, the State government now has a pool of funds to help needy districts build the school buildings they need.

I and many of our colleagues have believed for some time that allowing school construction to remain the purview of local school districts and States is the appropriate role for them and not the appropriate role for us.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, the only thing I would like to say is to qualify for that money, my impoverished city, the major city, Youngstown, already hard-strapped, did go ahead and raise $134 million. They destroyed every other option they had. Certainly, some participatory construction money from the Federal Government would not hurt us. After all, we are building prisons in those same cities.

Mr. Chairman, I am asking the gentleman and his leadership just to consider that. It may not need to be a big percentage, but I think in good faith there should be some participatory involvement by the Federal Government in the construction of safe schools.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 15 offered by the gentleman from Texas (Mr. ARMEY);

Amendment No. 16 offered by the gentleman from Texas (Mr. ARMEY);

Amendment No. 10 offered by the gentleman from Michigan (Mr. HOEKSTRA);

Amendment No. 13 offered by the gentleman from Georgia (Mr. NORWOOD);

Amendment No. 18 offered by the gentleman from Florida (Mr. STEARNS); and

Amendment No. 19 offered by the gentleman from Ohio (Mr. TRAFICANT).

The Chair will reduce to 5 minutes the time for any electronic vote after the second vote in this series.

AMENDMENT NO. 15 OFFERED BY MR. ARMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. ARMEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 273, not voting 5, as follows:

[Roll No. 135]

AYES—155

Aderholt	Goode	Pence
Akin	Goodlatte	Peterson (PA)
Armey	Goss	Petri
Bachus	Graham	Pickering
Baker	Granger	Pitts
Ballenger	Green (WI)	Portman
Barr	Greenwood	Putnam
Bartlett	Gutknecht	Radanovich
Barton	Hall (TX)	Riley
Bass	Hansen	Rogers (KY)
Boehner	Hart	Rohrabacher
Bonilla	Hastert	Ros-Lehtinen
Bono	Hastings (WA)	Royce
Brady (TX)	Hayes	Ryan (WI)
Brown (SC)	Hayworth	Ryun (KS)
Bryant	Hefley	Scarborough
Burton	Herger	Schaffer
Buyer	Hilleary	Schrock
Callahan	Hoekstra	Sensenbrenner
Calvert	Hunter	Sessions
Camp	Hyde	Shadegg
Cannon	Isakson	Shaw
Cantor	Istook	Shays
Chabot	Jenkins	Sherwood
Chambliss	Johnson, Sam	Skeen
Coble	Jones (NC)	Smith (MI)
Collins	Keller	Smith (TX)
Combest	Kerns	Souder
Cooksey	King (NY)	Spence
Cox	Kingston	Stearns
Crane	Knollenberg	Stump
Crenshaw	Kolbe	Sununu
Culberson	Largent	Tancredo
Cunningham	Latham	Tauzin
Davis, Jo Ann	Lewis (CA)	Taylor (NC)
Deal	Lewis (KY)	Terry
DeLay	Linder	Thomas
DeMint	Lipinski	Thornberry
Diaz-Balart	Manzullo	Tiahrt
Doolittle	McCrery	Tiberi
Dreier	McInnis	Toomey
Duncan	McKeon	Vitter
Dunn	Mica	Walsh
Ehlers	Miller (FL)	Watkins
Ehrlich	Miller, Gary	Watts (OK)
Everett	Myrick	Weldon (FL)
Flake	Nethercutt	Weller
Fletcher	Northup	Whitfield
Foley	Norwood	Wicker
Fossella	Nussle	Wolf
Frelinghuysen	Otter	Young (AK)
Gallegly	Oxley	

NOES—273

Abercrombie	Clyburn	Gilman
Ackerman	Condit	Gonzalez
Allen	Conyers	Gordon
Andrews	Costello	Graves
Baca	Coyne	Green (TX)
Baird	Cramer	Grucci
Baldacci	Crowley	Gutierrez
Baldwin	Cummings	Hall (OH)
Barcia	Davis (CA)	Harman
Barrett	Davis (FL)	Hastings (FL)
Becerra	Davis (IL)	Hill
Bentsen	Davis, Tom	Hilliard
Bereuter	DeFazio	Hinchey
Berkley	DeGette	Hinojosa
Berman	Delahunt	Hobson
Berry	DeLauro	Hoeffel
Biggert	Deutsch	Holden
Bilirakis	Dicks	Holt
Bishop	Dingell	Honda
Blagojevich	Doggett	Hooley
Blumenauer	Dooley	Horn
Blunt	Doyle	Hostettler
Boehlert	Edwards	Houghton
Bonior	Emerson	Hoyer
Borski	Engel	Hulshof
Boswell	English	Hutchinson
Boucher	Eshoo	Inslee
Boyd	Etheridge	Israel
Brady (PA)	Evans	Issa
Brown (FL)	Farr	Jackson (IL)
Brown (OH)	Fattah	Jackson-Lee (TX)
Burr	Ferguson	Jefferson
Capito	Filner	Johnson (CT)
Capps	Ford	Johnson (IL)
Capuano	Frank	Johnson, E. B.
Cardin	Frost	Jones (OH)
Carson (IN)	Ganske	Kanjorski
Carson (OK)	Gekas	Kaptur
Castle	Gephardt	Kelly
Clay	Gibbons	Kennedy (MN)
Clayton	Gilchrest	Kennedy (RI)
Clement	Gillmor	

Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Sherman
Shimkus
Shows
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Walden
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wilson
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—5

Cubin
John
Moakley
Tanner
Visclosky

□ 1442

Messrs. SAXTON, DEFAZIO, FARR of California, ISSA and Mrs. NAPOLITANO changed their vote from ''aye'' to ''no''.

Mr. NETHERCUTT changed his vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. ARMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. Armey) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 241, not voting 6, as follows:

[Roll No. 136]

AYES—186

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bilirakis
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ferguson
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Reynolds
Riley
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—241

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Frost
Gekas
Gephardt
Gilman
Gonzalez
Gordon
Graves
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Shuster
Skeen
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Cubin
Hutchinson
Kennedy (RI)
Moakley
Tanner
Visclosky

□ 1500

Mr. LEWIS of California changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time during which a vote by electronic device will be taken on each further amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 10 OFFERED BY MR. HOEKSTRA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 236, not voting 5, as follows:

[Roll No. 137]

AYES—191

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—236

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shaw
Sherman
Shows
Simmons
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wu
Wynn

NOT VOTING—5

Cubin
Hutchinson
Kennedy (RI)
Moakley
Visclosky

□ 1510

Mr. GOSS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. NORWOOD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 181, not voting 5, as follows:

[Roll No. 138]

AYES—246

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Flake
Fletcher
Foley
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Holt
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—181

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Dreier
Engel
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilman
Gonzalez
Gutierrez

Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sessions
Sherman
Slaughter
Solis
Souder
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—5

Cubin
Hutchinson
Moakley
Sherwood
Visclosky

□ 1519

Mr. SMITH of Washington changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore (Mr. BONILLA). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 67, not voting 4, as follows:

[Roll No. 139]

AYES—361

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
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)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—67

Bachus
Bereuter
Bilirakis
Blumenauer
Blunt
Boehlert
Bonilla
Bryant
Cannon
Coble
Collins
Conyers
Cooksey
Cox
Culberson
Davis, Jo Ann
Davis, Tom
Duncan
Everett
Flake
Fossella
Frank
Gilchrest
Gillmor
Goode
Graham
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hostettler
Jenkins
Johnson, Sam
Jones (NC)
Kerns
King (NY)
Kolbe
Largent
Manzullo
Mica
Moran (KS)
Myrick
Nethercutt
Paul
Pence
Petri
Pickering
Putnam
Ramstad
Rogers (MI)
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shuster
Stump
Tancredo
Thornberry
Tiahrt
Toomey
Walden
Walsh
Wamp
Waters
Watts (OK)
Whitfield

NOT VOTING—4

Cubin
Hutchinson
Moakley
Visclosky

□ 1529

Messrs. CANNON, DUNCAN, HAYWORTH, JENKINS and COX changed their vote from ''aye'' to ''no.''

Messrs. FORD, BROWN of Ohio and KENNEDY of Minnesota changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 9, not voting 8, as follows:

[Roll No. 140]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
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
Buyer
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
Crenshaw
Crowley
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
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
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)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
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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
Millender-McDonald
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
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
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
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—9

Armey
Barton
Crane
Dreier
Flake
Kolbe
Paul
Shadegg
Stark

NOT VOTING—8

Baker
Cubin
Gilman
Hutchinson
John
Kennedy (RI)
Moakley
Visclosky

□ 1537

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GILMAN. Mr. Chairman, earlier today, I was unavoidably delayed during the vote on the Traficant Amendment to H.R. 1. Accordingly, I was unable to vote on rollcall No. 140. If I had been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Chairman, on rollcall Nos. 136, 137, and 140, I was at a subcommittee on Appropriations hearing. Had I been present, I would have voted "nay" on 137, "nay" on 136, and "yea" on 140.

The CHAIRMAN pro tempore (Mr. BONILLA). It is now in order to consider amendment No. 20 printed in House Report 107–69.

AMENDMENT NO. 20 OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. BRADY of Texas:

Strike part D of title II of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 203 of the bill, and insert the following:

"PART D—TEACHER LIABILITY PROTECTION

"SEC. 2301. SHORT TITLE.

"This part may be cited as the 'Paul Coverdell Teacher Liability Protection Act of 2001'.

"SEC. 2302. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

"(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

"(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

"(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

"(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

"(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

"(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

"(b) PURPOSE.—The purpose of this part is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

"SEC. 2303. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

"(a) PREEMPTION.—This part preempts the laws of any State to the extent that such laws are inconsistent with this part, except that this part shall not preempt any State law that provides additional protection from liability relating to teachers.

"(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This part shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

"(1) citing the authority of this subsection;

"(2) declaring the election of such State that this part shall not apply, as of a date certain, to such civil action in the State; and

"(3) containing no other provisions.

"SEC. 2304. LIMITATION ON LIABILITY FOR TEACHERS.

"(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

"(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

"(2) the actions of the teacher were carried out in conformity with local, State, and Federal laws, rules and regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

"(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

"(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

"(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft,

or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

''(A) possess an operator's license; or

''(B) maintain insurance.

''(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

''(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

''(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

''(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

''(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

''(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

''(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

''(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

''(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

''(1) IN GENERAL.—The limitations on the liability of a teacher under this part shall not apply to any misconduct that—

''(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

''(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

''(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

''(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect subsection (a)(3) or (d).

''SEC. 2305. LIABILITY FOR NONECONOMIC LOSS.

''(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

''(b) AMOUNT OF LIABILITY.—

''(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

''(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

''SEC. 2306. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

''SEC. 2307. DEFINITIONS.

''For purposes of this part:

''(1) ECONOMIC LOSS.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

''(2) HARM.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(3) NONECONOMIC LOSSES.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

''(4) SCHOOL.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

''(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

''(6) TEACHER.—The term 'teacher' means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

''SEC. 2308. APPLICABILITY.

''This part applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Texas (Mr. BRADY) and the gentleman from Michigan (Mr. KILDEE) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, I yield myself 3 minutes.

Safe schools for students and teachers concerns us all, and from the shootings in Columbine to the recent shootings at Santana High School, all of us debate in this Chamber how to make our schools safer, how to make sure that our teachers and students are safe and return home safely each year. While we may disagree on some of the ways to do that, we are, in a bipartisan way, strongly supportive of returning order and discipline to our classrooms, and that is what this amendment is about: protecting teachers and schools from frivolous lawsuits when they responsibly maintain order and discipline in the classroom.

Schools are becoming more and more dangerous. Teachers tell us they do not feel safe in their own school. They tell us they are afraid to discipline unruly students, afraid to stop fights among those students, afraid to even defend themselves. The reason is that teachers may face an expensive and career-damaging lawsuit by overzealous lawyers. And, worse yet, there is a good chance they will be humiliated again when their responsible decision to maintain order in the classroom is not backed up by the principals and the school boards who face constant threats of expensive, frivolous, harassing lawsuits. In the end, it is the children who suffer.

As the American Federation of Teachers have said in their report on how to prevent violence in our schools, it is low-performing schools who suffer from the lack of safe and orderly learning environments. Teaching and learning are almost impossible to achieve in an environment of disorder, disrespect and fear. As our teachers tell us, no one has ever learned in the classroom where one or two kids take up 90 percent of the time through disruption, violence or threats of violence. That is why in poll after poll, educators rank discipline and safety high on their list of education concerns. So do we as parents, and so do the students.

This is what this bill does. This bill ensures that dedicated teachers trying to maintain a safe classroom are not afraid of being hauled into court for doing the responsible thing. This measure establishes a national shield to protect teachers, principals and other education professionals, including our school boards, who take responsible actions. The amendment does not protect educators or school boards when they engage in willful, reckless or criminal misconduct, when they engage in criminal acts, in violations of State or Federal civil rights laws, inappropriate use of drugs or alcohol, or behave with a conscious, flagrant indifference to the rights or safety of an individual harmed. We preserve States' rights with an easy opt-out, and we do not affect State law or local rules regarding corporal punishment.

Let me tell my colleagues what one teacher from Houston wrote me. ''In another classroom,'' he wrote, ''two girls had a fight today. The teacher got knocked down, was hit twice in the head and when he fell to the ground, was kicked twice by the girls. This

teacher could not touch these girls to separate them. We have been told over and over again, do not touch the students, even to defend yourself. It is recommended that you do not touch the child. Seven little letters tell us why: Lawsuit.'' This teacher wrote, ''Do they have any idea what teachers go through on a daily basis? We only want to be protected. Is a little peace of mind in the classroom too much to ask?''

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

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

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

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment.

This amendment is advertised as providing liability protection for teachers, but the amendment defines ''teacher'' to include not only those that my colleagues and I might think of as teachers, but also any individual who works in a school, any member of the school board, any employee of a local education agency, as well as the school board and local education entity itself.

Immunizing every responsible individual and then immunizing the school system itself, as the Brady amendment would do, means that nobody would be responsible to a parent when a child is injured by a negligent act or omission at the school. The Brady amendment would ensure that schools will virtually never be accountable to parents regarding the safety and discipline for their children.

For example, the Brady amendment would eliminate accountability for negligent hiring decisions and would place schools and children at risk. Often, we have people who are hired as professional hall guards or monitors. This amendment would immunize principals and administrators who fail to make proper background checks and hire a violent or sexual predator as disciplinarian. Because the school administration is also immunized, nobody would be responsible.

□ 1545

There would be immunity for school administrators who single out African American students or members of another protected class for discipline and punishment in violation of their civil rights, or a school employee who negligently restrains a student, and the student is injured or dies as a result. Then no one would be responsible, so no one will take precautions to make sure that these things do not happen.

School boards and educational agencies owe the highest duty to our schoolchildren. They ultimately are responsible for every teacher or principal's decision regarding discipline or punishment of students. This bill would not only shield teachers, but also school boards and local governments from any responsibility.

The theme throughout the reauthorization of ESEA has been accountability of schools to parents and children. This amendment would violate that goal by providing immunity to school administrators, school personnel, school boards, and local education agencies for actions that harm the health and welfare of our children that they owe a duty to protect. I ask that Members vote no on this amendment.

I would also point out that the National Education Association has come out against this amendment. They say that the amendment provides for immunity for every responsible party in the school and the school system itself. The amendment would eliminate all responsibility to parents when a child is injured by disciplinary actions.

Mr. Chairman, I include for the RECORD the letter from the National Education Association.

The letter is as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 21, 2001.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Education Association's (NEA) 2.6 million members, we urge your opposition to the Brady amendment to the ESEA reauthorization bill (H.R. 1) that would in effect remove all accountability for disciplinary actions that result in harm to the health or welfare of students.

NEA does not oppose efforts to strengthen liability protections for education employees. Unlike the McConnell amendment in the Senate ESEA bill (S. 1), however, the Brady amendment provides immunity for every responsible party in a school and the school system itself—including the school board and local education agency as entities. This amendment would eliminate all responsibility to parents when a child is injured by disciplinary actions.

Immunizing school boards and local education agencies will not improve discipline in the classroom. Instead, the amendment will place students at risk, while undermining the focus on accountability to parents and children central to the ESEA bill.

We urge your opposition to this dangerous amendment.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

Mr. BRADY of Texas. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, this bill holds all teachers, all school boards, all educators equally accountable for willful, reckless, criminal misconduct, criminal acts, negligence, gross negligence, violations of State and Federal laws.

I would point out, it is endorsed by our secondary school principals, our elementary school principals, and many teachers and parents.

Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for his amendment, and for yielding time to me.

One of the chronic complaints we hear about public education is a lack of discipline. In fact, I hear more about that than any other single issue from our public schools today, and the concerns expressed by teachers that they might be sued if they attempt to discipline students.

In fact, their concerns are not unfounded. Thirty-one percent of all high schools have faced lawsuits or out-of-court settlements in the past 2 years. Teachers are not only wary of intervening physically in student confrontations, but there are times when teachers have to make judgment calls about disciplining a child whose behavior is distracting rather than dangerous.

Some teachers err, frankly, on the side of leniency. The result has been a steady erosion of the teachers' ability to maintain order in the classroom. This addresses this problem by freeing teachers, principals, and school board members from meritless Federal lawsuits when they enforce reasonable rules.

The amendment language is very modest and narrowly tailored. The amendment only deals with Federal causes of action that might be brought against teachers or principals who act in a reasonable way to maintain order and discipline in the classroom. There is absolutely no protection for reckless or criminal misconduct.

Also, the amendment does not protect teachers when they violate State or local law. For instance, the teacher immunity provided under this amendment would not override State law towards claims such as negligence, assault, or battery as they are governed by State law.

I strongly believe school officials must be protected if we are serious about helping them maintain a school environment where teachers can teach and students can learn. I urge an aye vote on the amendment.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding time to me.

Mr. Chairman, I rise in opposition to what is clearly a well-intended amendment that I believe will create significant confusion.

No one can dispute the need or desirability of reinforcing the notion of teachers and other school professionals that they need to maintain order in the classroom. I think the gentleman's point that there are some frivolous lawsuits is indisputable.

My concern about this amendment is that I think it fundamentally misunderstands the role of the courts versus the role of this Congress. This amendment would impose a hard and fast and rigid set of rules upon virtually every classroom situation, and do so in a way that could not foresee certain circumstances. As a result of this, I believe it would actually breed litigation.

Let me give two examples. I do not believe it is inherently obvious from

this language as to whether or not an act of slander or libel by a teacher or by a school professional is or is not actionable under this provision.

Secondly, the definition of ''school'' or ''within the scope of employment'' is a bit curious. What about a driver's education instructor who is behind the wheel of a car and negligently operates the car in the process of teaching a student how to drive?

I do not know what the answer to those cases should be, but I do know this, that this House as a legislative body is ill-equipped and ill-prepared to answer one of those questions on a case-by-case basis in advance of the incident's taking place.

I think the gentleman's intention to protect the ordinary carrying-out of school disciplinary measures is quite laudable and quite desirable, but I think the ambiguity of language in suggesting which causes of action would be preempted or excluded by this amendment and which would not, and the ambiguity of language in suggesting what the ''scope of employment'' means, means that this very well-intentioned attempt to avoid litigation would in fact wind up creating it.

In summary, I believe we should defeat this amendment because of those ambiguities.

Mr. BRADY of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Brady amendment to add teacher liability protection to the President's No Child Left Behind Act of 2001. This is a commonsense reform that protects teachers from frivolous lawsuits when they take steps to maintain order and discipline in the classroom.

For example, imagine a scenario where we have a disruptive student, and the teacher tells him to go to the principal's office. The student says, ''I am not going to do what you want. I am going to do whatever I want. You are not going to tell me what to do. I will sit here all day if I want.''

Under that scenario, the teacher would probably go get another teacher and have no choice but to physically remove the child from the classroom as he was being disruptive and take him to the principal's office. Under that scenario, those same teachers could then be subjected to a frivolous suit for unlimited compensatory and punitive damages.

This is a problem that happens all too often. I think our teachers deserve better. Interviews with public school teachers reveal a common theme. It is always a small percentage of the students who cause virtually all of the problems.

Two-thirds of our public school teachers say discipline is a serious problem in the schools. Eighty-eight percent of those same teachers say academic achievement would improve substantially if the troublemakers were removed.

Teaching is a noble profession. We ask a lot of them. We pay them nothing. The least we can do is protect them from frivolous lawsuits. I urge my colleagues to vote yes on the Brady amendment.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a letter from the National Education Association, which represents 2.6 million members in this country, they urge defeat of the Brady amendment. Just let me read from that letter.

''On behalf of the National Education Association's 2.6 million members, we urge your opposition to the Brady amendment to the ESEA reauthorization bill, H.R. 1, that would in effect remove all accountability for disciplinary actions that result in harm to the health or welfare of students.''

It goes on to say, ''Immunizing school boards and local education agencies will not improve discipline in the classroom.'' Instead, the amendment will place students at risk while undermining the focus on accountability to parents and children central to the ESEA bill. We urge your opposition to this dangerous amendment.''

I would commend these word to the Members.

Mr. BRADY of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Chairman, I thank my colleague for yielding time to me and for sponsoring this amendment.

As part of our broader efforts to make schools safer, H.R. 1 provides limited civil litigation immunity from civil causes of action for teachers, principals, and other school administrators who take reasonable actions to maintain school discipline. This will allow teachers to remove violent and persistently disruptive students from the classroom without fear of legal repercussions.

The amendment before us strengthens the bill by providing teachers, administrators, and school board members immunity from State causes of action as well, and if a State does not want the immunity protections to apply, then State legislatures may in fact opt out of these provisions.

While it may seem like common sense that teachers should be able to take reasonable efforts to keep their classrooms under control, the idea of disciplining students has come under fire over the years. In light of recent school tragedies, it is even more important than ever to support teachers who take reasonable actions to maintain order and discipline.

Nearly 65 percent of public school teachers have suggested that discipline is a serious problem in their schools, and about 88 percent think that student achievement would improve if chronic troublemakers were removed from the class.

As I noted earlier, the idea behind this provision is to make schools safer. The President's plan also includes more funding for safety and drug prevention programs, as well as afterschool activities. It also requires States to report to parents on whether a school is safe, and the bill nearly triples funding for character education programs that try to instill values like honesty, respect for others, and responsibility into the curriculum.

This amendment will save schools from having to waste money on frivolous lawsuits, and ensure that taxpayers' dollars go where they should go, to the classroom, not to a bunch of lawyers.

I congratulate my colleague, and urge the adoption of the amendment.

Mr. BRADY of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. GRAVES), one of our newer Members interested in safe and orderly schools.

Mr. GRAVES. Mr. Chairman, too many teachers have told me that they are afraid to discipline unruly students for fear that they may face an expensive, career-ending lawsuit. It is time to take the lawyers out of the classroom.

Mr. Chairman, it is time to shield those responsible educators from frivolous lawsuits so our children may learn in a safe school. Responsible teachers should not be afraid of violent bullies with intimidating attorneys. Teachers should not fear a lawsuit because they attempt to break up a fight in gym class or on the playground. Teachers must be able to control the classroom to keep their students safe.

I have introduced legislation that, like this amendment, would provide legal protections to teachers who make reasonable actions to maintain order and discipline in the classroom. I rise today in strong support of this amendment that will protect our teachers and empower them to do what they were hired to do; that is, teach our students.

I would like to commend the gentleman from Texas on his great work on this amendment.

Mr. BRADY of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have passed this exact language twice through this House, Republicans and Democrats. We have protected equally from frivolous lawsuits our teachers, our principals, our educators, and our school boards. Our principals and teachers tell us that is so important, because if the school board does not back up the principals and teachers, all we have done is open a loophole for more violence, more bullying, more threats, and more harassing lawsuits.

At a time when we always fear another Columbine, the last thing we need is an open loophole, an invitation

to harassing lawsuits against the educators who need to maintain order in their classroom.

Let me close with this. Members of Congress are often asked: ''What are you doing to stop school violence? What are you doing to make our schools safer?'' Today we have the opportunity to answer, because today we have a clear choice, a choice between dedicated teachers and students who want to learn, or threatening, disruptive bullies and their reckless attorneys.

It is time to take the lawyers out of the classroom and to restore order and discipline so our teachers can teach, our children can learn, in truly safe schools. That is the right choice.

Mr. KILDEE. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT).

The CHAIRMAN pro tempore (Mr. BONILLA). The gentleman from Virginia is recognized for 4 minutes.

Mr. SCOTT. Mr. Chairman, the Senate passed an amendment similar to this, but it had a significant difference. The Senate amendment, while providing liability protection to teachers, principals, and educators as individuals, it never thought to provide immunity to school boards and local education authorities as entities.

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Immunizing every responsible party in a school and then immunizing the school system itself, as this amendment would do, means that no one will be responsible to a parent when a child is injured by an act or an omission with regard to discipline.

This amendment would ensure that the schools would virtually never be accountable to parents regarding the discipline and safety of their children.

So, Mr. Chairman, if no one is responsible for injuries negligently inflicted upon our children, no one will have an incentive to protect children from negligent acts.

This amendment will not improve school safety and it should therefore be defeated.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BONILLA). All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. BRADY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. KILDEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. BRADY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 21 printed in House Report 107–69.

AMENDMENT NO. 21 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mrs. MINK of Hawaii:

In subparagraph (A) of section 1116(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by section 106 of the bill—

(1) strike ''and'' at the end of clause (vii);

(2) strike period at the end of clause (viii) and insert ''; and''; and

(3) add at the end the following:

''(ix) ensure that a mentoring program is available to teachers in the school who have been in the teaching profession for 3 years or less, which provides mentoring to beginning teachers from exemplary veteran teachers with expertise in the same subject matter that the beginning teachers will be teaching, to the extent practicable be school-based, and provides mentors time for activities such as coaching, observing, and assisting the teachers who are mentored.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition not otherwise taken.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, 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. Chairman, this amendment is offered out of my very great concern that what we have established by law and what we have built upon in H.R. 1 is a formula for the determination of when schools are deemed not to be providing adequate education to the children. They are referred to in a wide variety of ways as failing schools or schools that are not performing up to the standards.

Consistent with this policy of trying to bring in accountability to the provision of Federal funds, we have provided for an additional number of tests from third grade to eighth grade, in an effort to try to maintain a steady pool of information as to whether the schools are failing or not.

There are processes developed in H.R. 1 to promote efforts that we feel would help to bring these schools up to standard and allow the children to proceed and to achieve in the basic courses of reading and literacy and in math and science.

One of the things that we have always discussed in our deliberations about failing schools is that it is the lack of resources in most cases that compound the problems, not just the lack of funding, but the fact that they cannot attract into these schools qualified teachers. They are not connected with the Internet. They lack the assistance of various resource teachers. They do not have the textbooks. They are in remote areas which compounds the problems.

What happens in these remote areas is that there is a constant turnover of the teachers, and what we often find in my schools in the remote areas is that graduates that are just out of the colleges of education are the ones that are sent to teach in these schools that are already having a difficult time.

Mr. Chairman, these teachers fresh out of the college of education are highly motivated. They have gone through a very rigorous course of education, but when they hit the classroom itself, many of them tell me that they need assistance. That is exactly what my amendment seeks to provide. It says in the case of failing schools, there should be a mentoring program which is made available to the teachers that are assigned to these failing schools that have been teaching for 3 years or less.

The principals from 14 schools met with me recently and they identified this as one of the major benefits they want for their schools. If they had the assistance of an additional teacher or a mentor it would help to build confidence in the new teacher. The mentor could come from within the school system and would be paid an additional amount of money to provide help, support, confidence-building by going over the lesson plans to bring these teachers along.

This will contribute enormously to the retention factor, too. These young teachers assigned to the remote areas, to the failing schools are the ones who tend to leave immediately after their 3-year probation period comes about. With support instead of moving into the bigger cities where they prefer to live, they could be encouraged to stay.

Mr. Chairman, I think that this amendment will go a long way to helping the children, bringing these schools up to par, helping to retain the teachers by giving these new teachers the confidence that what they have sought in their careers is important and that we are providing this additional service because they are important.

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

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me congratulate the gentlewoman from Hawaii (Mrs. MINK) for all of her efforts this year as we have gone through the development of the bill that we have before us.

I can tell my colleagues as a member of the negotiating team on the other side, she was a fierce advocate for the positions that she has taken for many years. I can tell my colleagues that as someone who has less experience in these areas than the gentlewoman from

Hawaii (Mrs. MINK), her service to our group was invaluable.

The amendment that she brings to us today is an important one. Under the current bill that we have before us, H.R. 1, it does require schools that have been designated as low-performing to develop a 2-year plan for how they will turn the school around.

The plan must include scientifically based research strategies, high-quality professional development, numerical goals for progress and other matters which improve the academic quality of the school.

The amendment would ensure that mentoring is made available for teachers who have been in the teaching profession for 3 years or less. I think this is a valuable addition to the plan that we have before us, and I would ask all of my colleagues to support the amendment.

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

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE), my colleague who has been a member of our working group.

Mr. KILDEE. Mr. Chairman, I appreciate this display of bipartisanship also. I think for those who are concerned that Title I should perform better, this amendment would certainly help teachers, especially the newer teachers, to enhance their skills; and I urge its adoption.

Mrs. MINK of Hawaii. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Hawaii (Mrs. MINK)?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from Hawaii (Mrs. MINK) is granted an additional 1 minute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I want to thank the gentlewoman from Hawaii (Mrs. MINK) for presenting this amendment.

Professional development for educators is an important strength of this reauthorization act. We know that studies repeatedly show that the quality of teachers is the single most important predictor of student success.

In California, we instituted a beginner teacher support program that provides the exact kind of support proposed in this amendment. My district in San Diego County initiated such peer-teacher mentoring in the 1980s, and years of experience have shown that it does two very important things.

It makes the new teacher more effective from the first week in the classroom, and it increases retention of new teachers beyond the 5-year burnout that is a cause of our undersupply of trained teachers. And in addition, where midcareer teachers are recruited under alternative credentialing, consistent on-site peer coaching is a necessity to their success.

Mr. Chairman, I urge an aye vote on this proven program. Again, I thank the gentlewoman from Hawaii (Mrs. MINK) for presenting it.

Mrs. MINK of Hawaii. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK.)

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 22 printed in House Report 107–69.

AMENDMENT NO. 22 OFFERED BY MR. WAMP

Mr. WAMP. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. WAMP:

In section 501 of the bill, strike section 5302 of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501) and insert the following:

"SEC. 5302. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Tennessee (Mr. WAMP) and a Member opposed each will control 5 minutes.

Mr. ETHERIDGE. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. WAMP.)

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, character education makes a difference. Character education works because it teaches time-tested principles like honor, respect, responsibility, and courage. It teaches children to become not only future business professionals, doctors and technicians, but good citizens and decent human beings as well.

President Bush clearly recognizes the importance of values in our society and is committed to seeking a better education for our Nation's children. The President has included our character education initiative in his reform proposals.

Mr. Chairman, a valueless education is no education at all. At the foundation of all knowledge, there must exist a fundamental set of principles that distinguishes right from wrong and good from bad. As a matter of fact, academia used to believe in a value-neutral or a value-free education, and now many people in academia say that we must have a value-based educational system so that knowledge can rest on the difference between right and wrong.

Character education is taught in all 50 States. Thirty-two States have passed legislation either mandating or encouraging the teaching of character education in school. However, some schools do not have enough money to add this important curriculum, and this amendment will give them this capability.

Mr. Speaker, I am proud to say that the character-education movement has grown out of my hometown, Chattanooga, Tennessee. Today, the Center for Youth Issues Inc., a 501(c)(3) nonprofit organization, provides materials and/or programs on character education to more than 26,000 schools Nationwide and impacts more than 10 million students in all 50 States.

Since 1981, this organization, working through its school-based organizations, STARS, Students Taking a Right Stand, has found acceptance and great success in public school systems across America. My wife and I have been involved in STARS, and we really believe in its work.

Education experts know well if we teach character and build good citizens, we will not need metal detectors at school entrances, bars on the windows or other measures that are more appropriate for the penal system than for the school system.

Yesterday, I participated in a Court TV program on bullying in schools. And, frankly, this character trait of respect, if all of our students embraced it and learned it and know to respect others throughout the educational process, we would not have the youth violence problem that is surfacing in so many schools.

Congress must act to support character education. To provide that support, the gentleman from North Carolina (Mr. ETHERIDGE) and myself introduced H.R. 228, the Character Counts for the 21st Century Act.

Mr. Chairman, this is very similar to the language in H.R. 1 which will authorize the U.S. Education Department to provide grants to promote character education.

Our amendment before us today is bipartisan. The gentleman from North Carolina (Mr. ETHERIDGE) is a champion of strong public education. Character education is backed by a diverse coalition ranging from Miss America Angela Perez Baraquio to President Bush.

I laud the bill of the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, that includes $25 million annually for character education. But by doubling it to $50 million, we will double the number of schools that might qualify. Our amendment raises it to $50 million per year.

There are 53 million children in our schools. Spending less than a dollar on

each child so they learn right from wrong and good from bad is the right thing to do. Much has been asked of American education, and the Congress should settle for nothing less. Improving education has become a priority of both political parties.

Mr. Chairman, I want to thank the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, and their excellent staffs.

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

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Mr. ETHERIDGE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to thank the chairman of the committee and the ranking member for their support and the gentleman from Tennessee (Mr. WAMP) for working together in this bipartisan manner on this very important measure, doubling this bill's funding for character education.

Last Congress, the gentleman from Tennessee and I had the opportunity, along with 22 other Members in this body, to serve on the Speaker's Bipartisan Working Group on Youth Violence that really addressed this issue after the Columbine tragedy. This came out as one of the unanimous recommendations of that commission as a way to prevent violence among our young people.

As a former State superintendent of my State schools, I understand firsthand that character education really works. In a number of schools in my district, in Wake County, Johnston and Nash, it is providing leadership.

This amendment will build on those efforts and provide more of our young people with the education on the basic values.

Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from North Carolina (Mr. MCINTYRE), another proponent of character education.

Mr. MCINTYRE. Mr. Chairman, I rise today in support of this amendment by the gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from Tennessee (Mr. WAMP).

John Whitehead once said that ''children are the living messages we send to a time that we will not see.'' We have to ask ourselves what kind of messages are we sending through our children. Yes, of course they need the knowledge and skills in the classroom to prepare for the global economy; however, we must remember that schools also serve as an important tool to help build citizenship.

As one who has volunteered the last 20 years in the classroom myself long before I came up here to Washington, I know that we have an opportunity, a golden one, to work with our teachers and educators to help our children. Children spend about 1,500 hours a year in front of the television, 900 hours a year in school.

This is a golden opportunity for us to help develop good character and support what our schools can do to help our children. Character is developed over time by teaching by example, by learning, and by practice. It is developed through character education.

I strongly support this amendment and urge all my colleagues to do so.

Mr. ETHERIDGE. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Chairman, I stand here before my colleagues today as the proud son of public school educators, as the father of two children growing up in the Prescott public schools back in my hometown. I stand here in support of character education.

I have talked a lot about safer schools and smaller class sizes, about the need to put respect for teachers and discipline back into the classroom; and, yes, I have talked a lot about the need for more character education. We must focus more through character education on things like respect and citizenship. I think we need to get back to some of the basics in education. We need to teach our children. We must strive for them to do academically, but we must also strive to help them become good citizens and future leaders for all of us.

I am pleased to stand here today in support of this bipartisan amendment. I hope it demonstrates that a lot of us are truly trying to put our children and are truly trying to put progress before partisanship.

Mr. ETHERIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close for our side on this debate by saying that this House has a chance to make character education work all across America. It works in those schools that we now have it in because it teaches our children to view the world through a moral lens and to understand that their actions really do have consequences.

Character education works to improve order, discipline and the respect in our classroom, and to reduce the incidence of violence. The research we have done in North Carolina for schools that have it, violence goes down and academics go up.

It teaches children to become not only successful children and students, but also good citizens and decent human beings as well. We must not only educate our children's minds, but their hearts as well.

I believe if we can seize this moment and provide a national commitment to character education for our children, then we will not need metal detectors, bars on the windows, or other punitive measures that are more appropriate for a penal system than for our school system.

Mr. Chairman, I encourage my colleagues to vote yes on the Wamp-Etheridge amendment.

Mr. WAMP. Mr. Chairman, I yield the balance of the time to the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce and a man who has come up with an excellent work product in this bill.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Tennessee for yielding me this time.

Mr. Chairman, I thank both the gentleman from Tennessee (Mr. WAMP) and the gentleman from North Carolina (Mr. ETHERIDGE) and others for supporting this because I do think that character education is a valuable effort that needs to happen in our schools.

When we grew up, we had two parents at home by and large teaching us character, teaching us the valuable lessons that we needed to be good citizens, to be good students, and to respect one another. All of those values were reinforced in the schools that we went to.

But today, unfortunately, we do not have mom and dad both at home raising their children. We have a different society than we had when many of us grew up. For a lot of children, especially children in poorer school districts, they may never see their parents.

The kind of values that we are talking about and the kind of character education that this plan would call for I think has to happen, because if we do not intercept these children in school and help them develop these values, they will never develop those values because they are not being reinforced at home like when we were all growing up.

It is a good amendment. We ought to vote for it.

The CHAIRMAN pro tempore (Mr. BONILLA). The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Chair understands that amendment No. 23 will not be offered. Therefore, it is now in order to consider amendment No. 24 printed in House Report 107–69.

AMENDMENT NO. 24 OFFERED BY MR. HILLEARY

Mr. HILLEARY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. HILLEARY:

After part A of title IX of the bill, insert the following (and redesignate provisions accordingly):

PART B—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

SEC. 921. SHORT TITLE.

This part may be cited as the ''Boy Scouts of America Equal Access Act''.

SEC. 922. EQUAL ACCESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any public elementary school, public secondary school, local educational agency, or State educational agency, if the school or a school served by the agency—

(1) has a designated open forum; and

(2) denies equal access or a fair opportunity to meet to, or discriminates against,

tunity to meet to, or discriminates against, any group affiliated with the Boy Scouts of America or any other youth group that wishes to conduct a meeting within that designated open forum, on the basis of the membership or leadership criteria of the Boy Scouts of America or of the youth group that prohibit the acceptance of homosexuals, or individuals who reject the Boy Scouts' or the youth group's oath of allegiance to God and country, as members or leaders.

(b) TERMINATION OF ASSISTANCE AND OTHER ACTION.—

(1) DEPARTMENTAL ACTION.—The Secretary is authorized and directed to effectuate subsection (a) by issuing, and securing compliance with, rules or orders with respect to a public school or agency that receives funds made available through the Department of Education and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (a).

(2) PROCEDURE.—The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) JUDICIAL REVIEW.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of that Act (42 U.S.C. 2000d–2). Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of that Act.

(c) DEFINITIONS AND RULE.—

(1) DEFINITIONS.—In this section:

(A) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (as in effect after the effective date of this Act).

(B) SECRETARY.—The term ''Secretary'' means the Secretary of Education, acting through the Assistant Secretary for Civil Rights of the Department of Education.

(C) YOUTH GROUP.—The term ''youth group'' means any group or organization intended to serve young people under the age of 21.

(2) RULE.—For purposes of this section, an elementary school or secondary school has a designated open forum whenever the school involved grants an offering to or opportunity for 1 or more youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

SEC. 923. EFFECTIVE DATE.

Notwithstanding section 5, this part takes effect 1 day after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Tennessee (Mr. HILLEARY) and the gentlewoman from California (Ms. WOOLSEY) each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. HILLEARY).

Mr. HILLEARY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud to be before this House today with an amendment in support of one of our most revered institutions, the Boy Scouts of America. I find it interesting that this amendment comes immediately after the previous amendment regarding character education, because the Boy Scouts of America have been in the business of character education for many, many years.

My amendment is very simple. It states that, if a school allows groups open access to its facilities, it must allow equal access to the Boy Scouts. All over the country the Boy Scouts are under attack and being thrown out of public facilities that are open to other similarly situated groups. From Florida to California, the Boy Scouts are being removed, not because they support an illegal right, but as retribution for the Supreme Court's ruling in the Boy Scouts of America versus Dale.

The Boy Scouts won this case, but they have repeatedly once again defended this right in court. Thus far, the courts upheld the Boy Scouts' first amendment rights in assembly and speech and overturn their removal from public meetings areas such as schools. However, more and more schools continue to act, and the Scouts repeatedly have to get an injunction in court.

This amendment is designed to stop this wasteful cycle in litigation and harassment. If one allows for an open forum for other groups to meet, it is only fair to allow equal access to the Boy Scouts.

I urge my colleagues to support this amendment.

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

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, my objection is not because I object to the Boy Scouts. My objection is to intolerance. Since the Boy Scouts of America fought all the way to the Supreme Court for the right to discriminate, school districts, county governments, businesses and charitable groups like the United Way chapters have been breaking their ties with the Boy Scouts of America.

This effort to stand up to the Boy Scouts' discriminatory policy is not a fringe movement; it is part of the mainstream belief that intolerance in any form is un-American.

It is amazing to me that the proponents of this amendment support intolerance by revoking Federal funds unless a school or school district supports discriminatory policy and at the same time would take local control away from a school or a school district.

Whether one agrees with the Boy Scouts or not, anyone who believes that local communities should have local control over their own schools will surely want to vote against this amendment.

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

Mr. HILLEARY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would just say that this is not unprecedented, this sanction in this amendment. We do this also with regard to school prayer. We do it with regard to military recruiters if schools decide to discriminate against the military and not allow them in. This sanction is not without precedence.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the important amendment of the gentleman from Tennessee (Mr. HILLEARY) to protect the freedom of association of the Boy Scouts of America that is inherent in the Constitution of the United States of America.

Mr. Chairman, it is a sad, sad day in this country when the Boy Scouts of America, an institution recognized as a pillar of moral strength, is increasingly denied access to school facilities based on its membership or leadership criteria.

Mr. Chairman, in an era where the headlines have been graced with atrocious incidents of kids killing kids, the rise of drugs and violence in our schools, it is shocking that this Congress would stand by those who point to the Boy Scouts and order them out of our schools.

High school students in the State of Indiana can be asked to watch MTV programs to fulfill a course requirement, but the prospect of allowing the Boy Scouts of America to meet in the same building is somehow offensive to the Constitution of this great land.

The Boy Scouts of America is a model of integrity, strong ethics, devotion to God and the public good. Closing school doors to them is at minimum misguided, and at the most it is extremism.

The Founders of this Nation fought for one Nation under God. The phrase ''In God we trust,'' Mr. Chairman, graces the walls of this very Chamber as testimony to this historic truth. Let us in this place by this amendment make it possible for the next generation of Americans to embrace those same timeless values.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to comment that, if those words are believed by the gentleman from Indiana (Mr. PENCE) on the other side of the aisle, then it would make sense that all boys, not just some boys can be members of Scouting.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, let us be clear. This amendment does nothing, nothing for the Boy Scouts. They are already well protected, not by some statute, but by the Constitution. That constitutional principle is already well established.

Under the first amendment, they cannot be denied for the use of any public forum that is made available to other groups. For example, back in 1968, a Federal Court of Appeals upheld the right of the Ku Klux Klan to use a high school gym for a Klan meeting. In this past March, a Federal District Court applied the same principle to the Boy Scouts when a school board in Florida attempted to deny them the use of school facilities. So my colleagues do not have to worry about the Boy Scouts. They are well protected now.

The reality is that this amendment is not about the Boy Scouts. It is about a conservative social agenda that holds passionate views about sexual orientation. The Boy Scouts' policy on sexual orientation is well known. That is fine. The gentleman is entitled to his views, and the Boy Scouts' are entitled to their views. But they ought not to be entitled to use the Congress of the United States to make a political statement that promotes intolerance and discrimination.

Vote no on the Hilleary amendment.

□ 1630

Mr. HILLEARY. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman for yielding me this time.

During the last series of votes, 68 Republicans voted against the President on the most important provision of his Leave No Child Behind plan, and that was the portion that would have allowed students to be educated in private institutions if their public institution had failed them. That is unfortunate, because that was the heart of the bill.

And since we are not going to allow students to go to private institutions, it makes perfect sense that we should now adopt this amendment to at least allow the private institutions to come into the schools and help educate children. In this case, we are talking about the Boy Scouts of America, which, as we just heard from the previous speaker, there are some here in Washington who are willing to associate the word ''intolerance'' with the Boy Scouts of America, which, of course, is just absurd.

The Boy Scouts of America are anything but that. They are extremely tolerant and extremely open and they are a fine organization that has a long history in helping to provide guidance and support and education to the young boys of America who will ultimately become some of America's best leaders, many of whom serve right here in the United States House of Representatives and over across the Capitol.

Mr. Chairman, this amendment is an important one, because it does really level the playing field and it speaks specifically to an organization that deserves our support here in the Congress, and one that has been the target of an unfortunate and pernicious kind of discrimination. This amendment is very much consistent with the President's plan. Consistent amendments to the President's plan have been kind of in short supply this afternoon, but this is one I think we can wholeheartedly endorse, and I hope the House does.

The CHAIRMAN pro tempore (Mr. BONILLA). The Chair advises that the gentleman from Tennessee (Mr. HILLEARY) has 15 seconds remaining and the gentlewoman from California (Ms. WOOLSEY) has 1½ minutes remaining.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just say first that the Boy Scouts, I think, reflect the standards, of course, that we hope for in terms of all young men in our country, and so that is why I believe that this amendment would be dangerous in terms of restricting the use of Federal funds from schools and school districts that choose to stand against the Boy Scouts' discriminatory policies.

Now, this amendment is really unnecessary. It is an unwarranted intrusion into a local school district's ability to set standards for the use of their own facilities. I am very concerned that Congress would eliminate vital funds for our children's schools simply because their school system stands up against discrimination. It also bestows upon the Boy Scouts and other youth groups unique rights that are not available to other student-led groups.

The first amendment already guarantees the Boy Scouts the right to use any school or public facility to the same extent and in the same manner as any other group allowed to use those facilities. So the Hilleary amendment will transform these schools into open forums requiring them to allow anti-gay groups to use school premises regardless of a local school board's decision on the matter. So I urge a ''no'' vote on this amendment.

Mr. HILLEARY. Mr. Chairman, I yield myself the balance of my time and finish by saying that the Boy Scouts are not protected. They are the target of many, many votes of harassment, in my view, and this is simply to point out they should not have to use their precious resources to claim their constitutional rights in court, nor should the school systems have to use up their precious resources defending against the Boy Scouts in court. This just sets it right for them, and I urge all my colleagues to vote for this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield myself the balance of my time and, in closing, I would like to point out I have a letter before me that has been signed by 22 organizations, such as the National PTA, the National School Boards Association, the National Association of Secondary School Principals, and the National Rural Education Association, among many others.

Mr. Chairman, we should vote against this because it is not necessary in the first place, but a vote against this amendment would be a vote telling our children that all children are important, not just some children.

Mr. Chairman, the letter I referred to earlier is submitted for the RECORD as follows:

May 22, 2001.

DEAR REPRESENTATIVE: We are writing today to urge you to reject the ''Boy Scouts of America Equal Access Act'' which was offered as an amendment to the Leave No Child Left Behind Act of 2001 (H.R. 1). This amendment would deny all Federal education funding to any school district or state education agency that has been found to ''discriminate'' against the Boy Scouts of America, or any other youth group that denies membership to gays and lesbians.

The Hilleary amendment is an unnecessary, unwarranted intrusion into a local school district's ability to set standards for the use of their own facilities, and bestows uopn the Boy Scouts and other youth groups unique rights that are not available to student-led groups.

The amendment is unnecessary because the First Amendment already guarantees the Boy Scouts the right to use public school facilities, to the same extent and in the same manner as any other group allowed to use those facilities.

At the same time, the amendment is an unwarranted intrusion into the decision-making of local school boards because it mandates the creation of an ''open forum'' any time a school lets one community group use their facilities. The Hilleary amendment decrees that such an action transforms the school into an ''open forum,'' therefore requiring the institution to allow the Boy Scouts and any other anti-gay youth group to use school facilities or premises—regardless of the school's intention or the local school board's decisions on the matter.

We, the undersigned organizations, strongly urge you to oppose this amendment. If you have any questions or require additional information, please contact Nancy Zirkin, Director of Public Policy and Government Relations—American Association of University Women (AAUW) or Jamie Pueschel, Government Relations Manager—AAUW.

Sincerely,

American Association of School Administrators
American Association of University Women
American Counseling Association
American Federation of State, County and Municipal Employees, AFL–CIO
American Federation of Teachers
American Psychological Association
Americans for Democratic Action
Anti-Defamation League
Council of the Great City Schools
Council of Chief State School Officers
Leadership Conference on Civil Rights
Myra Sadker Advocates
National Association of Black School Educators
National Association of School Psychologists
National Association of Secondary School Principals
National Association of Social Workers
National Association of Girls and Women in Sport
National Council of Jewish Women
National Council of La Raza
National Education Association
National Federation of Filipino American Associations
National PTA
National Rural Education Association

National School Boards Association
National Women's Law Center
New York City Board of Education
New York State Education Department
NOW Legal Defense and Education Fund
People For the American Way
School Social Work Association of America
Unitarian Universalist Association of Congregations
United Church of Christ Justice and Witness Ministries

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee (Mr. HILLEARY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 25 printed in House Report 107–69.

AMENDMENT NO. 25 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Ms. Velázquez:

In section 501 of the bill, in section 5123(h) of the Elementary and Secondary Education Act of 1965 (as proposed to be amended by such section 501), insert after paragraph (2) the following:

''(3) IN-KIND CONTRIBUTIONS.—Each State that requires an eligible entity to match funds under this subsection shall permit such entity to provide all or any portion of such match in the form of in-kind contributions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to take the time in opposition, since no one is here to take it.

The CHAIRMAN pro tempore. Without objection, the gentleman from Ohio (Mr. BOEHNER) will control the 5 minutes in opposition.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

First and foremost, Mr. Chairman, I would like to recognize the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), as well as the members of the Committee on Education and the Workforce for all their hard work on the bill we have before us today.

The amendment I am offering will make it easier for needy schools to obtain 21st Century Community Learning Grants. 21st Century Community Learning Grants provide funding to schools in disadvantaged communities that, in collaboration with other public and non-profit agencies and organizations, run before- and after-school programs designed to improve academic achievement. The services they provide include tutoring, technology training, expanded library services, arts and music education, recreational activities, and programs to promote parental involvement and prevent drug use and violence.

These services can mean all the difference to a struggling student or a failing school. However, H.R. 1, as currently drafted, permits States to require grant recipients to provide matching funds equal to the amount of grant. Although the bill also requires States that choose to implement such a matching requirement, to do so on a sliding fee scale, this still is a burdensome requirement on prospective grantees that lack access to fund, the same prospective grantees that are most in need of 21st Century Community Learning Programs.

By only allowing monetary contributions to be used to meet the matching requirements, we eliminate many neighborhoods from eligibility and we underestimate the value of in-kind contributions. These centers serve some of our poorest communities, and this language has the potential to cripple plans for those schools located in States with matching requirements. Obviously, this is a risk we cannot afford.

My amendment will make it easier for the neediest grantees to put together competitive applications by allowing them to count in-kind contributions toward a matching requirement. Although many grantees in disadvantaged communities lack access to funds, they do not lack access to resources. By allowing grantees to count in-kind services, such as volunteer time and donated equipment, we will not only be providing an opportunity to a needy school, we will also be encouraging investment and support from the surrounding community.

I hope my colleagues will support this amendment's efforts to eliminate obstacles to much-needed funding for disadvantaged schools and communities. Let us give all students the tools they need to strive for excellence. Let us make sure no child is left behind.

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

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentlewoman from New York for her contribution to this bill. As we all know, the 21st Century Community Learning Center Program is one that does, in fact, require a local match. For some smaller communities or some faith-based or community-based programs, their ability to come up with the matching funds to do these programs is somewhat limited.

I do think that allowing in-kind services as part of the match does provide more flexibility for these programs at the local level. It is a very good amendment, and I am happy to support it.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 26 printed in House Report 107–69.

AMENDMENT NO. 26 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. KIRK:

At the end of title VI of the bill, add the following:

SEC. 607. SENSE OF CONGRESS RELATING TO FULL FUNDING OF THE IMPACT AID PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) More than 90 percent of resources for school districts in the United States are raised from State and local property taxes.

(2) School districts that are affected by the presence of the Federal government, such as Federal property that is not subject to taxation, must still provide educational services to children who are federally connected by such activities of the Federal government.

(3) To mitigate this loss of funding, Congress has made ''impact aid'' payments to local educational agencies to reimburse the agencies for the costs of educating federally connected children.

(4) From 1950 to 1969, Congress provided full funding for the impact aid program to help defray the costs of educating federally connected children.

(5) For fiscal year 2000, Congress provided only 46 percent of the costs of educating federally connected children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the House of Representatives, Senate, and Administration should work together to provide full funding for the impact aid program in future fiscal years in order to meet the needs of school districts affected by a Federal presence; and

(2) the full funding of the impact aid program will ensure that federally connected children will continue to receive a quality education.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Illinois (Mr. KIRK) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I yield myself 1 minute.

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

Mr. KIRK. Mr. Chairman, this amendment is about Impact Aid. If we are concerned about military pay, if we are concerned about military housing, if we are concerned about military health care, we also need to be concerned about the children of military personnel. That is why we support Impact Aid.

The average school district in America, the $10 million school district, gets $9 million from local resources and

only $1 million from the Federal Government. But what happens if we cannot tax that housing? In many military districts, Indian reservations, and other facilities, kids flood into the school districts, but we have no dollars attached. The Impact Aid program makes up the difference, but it has made up the difference in an inadequate way.

From 1950 to 1969, the Federal Government fully funded the Impact Aid program, but now only 46 percent of the needs of military kids and other kids are met. This amendment is the start of a process where we will build consensus behind the Impact Aid program. For us, we make a statement today that the needs of military kids and other kids must be met by fully funding Federal Impact Aid.

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

Mrs. DAVIS of California. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am actually in support of this measure.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from California (Mrs. DAVIS) will control the 5 minutes.

There was no objection.

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Impact Aid is a program that is over 50 years old, yet for the last 30 years Congress has failed to fund the program fully. This program is designed to offset the losses school districts suffer in property taxes when Federal lands reduce their tax rolls but provide many children to be educated. This funding is critical to balance the local school district income so that the educational programs for all the students of the affected district is not diminished.

The issue, Mr. Chairman, is one of fairness. The level at which Impact Aid is currently funded does not begin to offset the costs for educating a child. Generations of military families have been based in San Diego and Coronado in my district, and developments of federally-owned housing are home to children throughout the area. We are very proud of the opportunity to serve the children of our military forces. Congress should be equally proud of providing the full funding that it promised half a century ago.

Mr. Chairman, I also want to thank the gentleman from Illinois (Mr. KIRK) for bringing this forward.

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

Mr. KIRK. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. LARSEN), my Democratic colleague and partner in this effort.

Mr. LARSEN of Washington. Mr. Chairman, I thank the gentleman for yielding me this time and for bringing this important issue to the attention of Congress.

Mr. Chairman, just last month I attended a ceremony, a welcome home ceremony in Oak Harbor, Washington, in my district; a welcome home ceremony for the 24 crew members of the plane that was downed in China. Oak Harbor has been the home of Naval Air Station Whidbey Island for many years, and 7,000 people turned out for this homecoming event, showing the commitment that the town of Oak Harbor has made to the presence of Naval Air Station Whidbey in my district.

This amendment today, Mr. Chairman, would express the sense of Congress that the Federal Government must recognize that commitment, must recognize the sacrifice that communities all over our country are making. This sense of Congress amendment would say that the Impact Aid program should have guaranteed funding for districts that so desperately need it.

□ 1645

Whether it is Oak Harbor or Marysville, which is the home to the Tulalip Indian Reservation, these communities depend heavily upon funding; and I ask this body to support this amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise today in strong support of this amendment offered by the gentleman from Illinois (Mr. KIRK) and the gentleman from Washington (Mr. LARSEN) to fully fund Impact Aid. I am proud to join them in this amendment and I commend these two freshman Members for their initiative and commitment to education for their constituencies.

While many of us know Impact Aid is the Federal Government assistance program to local school districts where there is a large Federal presence, many of my colleagues may not know what Impact Aid means to cities such as New York City, my home city.

$5.8 million goes to New York City annually in Impact Aid funding to help improve the quality of education for over 70,000 children who live in public housing. As representative of the largest public housing complex in the U.S. and of thousands of working New York families who make minimum wage and send their children to public schools, full funding for Impact Aid is critical to make sure that America provides educational opportunities to all of our children, no matter where they live and no matter what their income level is.

While I thank the Committee on Education and the Workforce for recognizing the importance of Impact Aid to communities throughout the country, there is more that can be done. Last year $900 million was allocated for Impact Aid when the true need is closer to $1.5 billion.

Mr. Chairman, I urge my colleagues to adopt this amendment and urge my colleagues to fight for full funding of Impact Aid in conference with the Senate.

Mr. KIRK. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. KELLY) representing West Point.

(Mrs. KELLY asked and was given permission to revise and extend her remarks.)

Mrs. KELLY. Mr. Chairman, I rise today in strong support of the Kirk-Larsen amendment expressing the sense of Congress that Impact Aid programs should be fully funded.

I join my colleagues in their efforts to ensure that children in federally impacted school districts receive quality education. Like many of my colleagues, I represent a highly impacted, actually the most highly impacted school district in the United States of America. Adjacent to West Point, the Highland Falls-Fort Montgomery School District exists between Federal land, State land, and the Hudson River. This unique positioning means that over 90 percent of the land in the school district is nontaxable. Without Impact Aid, this school district is unable to raise the revenue necessary to educate its students.

The increase in funding for section 8002, which applies to land-impacted districts, has helped the Highland Falls-Fort Montgomery School District undertake capital improvements, hire new teachers, tutors, and reinstate the college advanced placement courses which they had to cut.

However, this section and the entire Impact Aid program is still not fully funded. As we continue to debate improvements to our children's education, we absolutely must not forget those military children sitting in classrooms in federally impacted school districts. We rely on Impact Aid funds for a quality education. Support the Kirk amendment and support full funding for Impact Aid.

Mr. Chairman, I rise today in strong support of the Kirk-Larsen amendment expressing the Sense of Congress that the Impact Aid Program should be fully funded.

I join my colleagues in their efforts to ensure that children in federally impacted school districts receive a quality education.

Created in 1950, the Impact Aid Program addresses the increased burden felt by school districts that host military children or have nontaxable federal lands.

On behalf of the 1,500 school districts and 1.5 million federally connected students across the country who rely upon the Impact Aid funds for a good education, I urge all my colleagues to join me in supporting this amendment.

The Impact Aid program is equally important to an additional 17.5 million children whose education is linked to the eligibility of their school, or their classmates, to receive Impact Aid funding.

Like many of my colleagues, I represent the most highly impacted school district in the U.S. that relies upon the Impact Aid Program.

Adjacent to West Point, the Highland Falls-Fort Montgomery School District, in Orange County, NY exists between federal land, state land, and the Hudson River.

This unique positioning means that over 90 percent of the land in the school district is non-taxable.

Without Impact Aid, this school district is unable to raise the revenue necessary to educate its students.

The increase in funding for Section 8002, which applies to land impacted districts, has helped the Highland Falls-Fort Montgomery School District undertake capital improvements, such as hiring new teachers, tutors and reinstating College Advanced Placement courses.

This is quite a contrast to prior years when they were faced with the possibility of closing their doors.

However, this section and the entire Impact Aid Program is still not fully funded.

As we continue to debate improvements to our children's education, we must not forget those military children sitting in classrooms in federally impacted school districts.

We rely on Impact Aid funds for a quality education.

Support the Kirk amendment and support full funding of the Impact Aid Program.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in support of the Kirk amendment which expresses the sense of Congress that the Impact Aid program should be fully funded. Fully funding the Impact Aid program will greatly help the vast numbers of local school districts which have lost tax revenue as a result of a large Federal presence in their district.

This especially holds true of my congressional district in New Mexico which has a large number of schools which depend on Impact Aid funding and who educate a large number of Native American students.

The last time this program was fully funded was 1950 through 1969. Since that time, the funding levels for Impact Aid have not kept up with the amount required to cover the Federal Government's obligation to this program.

Mr. Chairman, I cannot stress how important this program is to the more than 1,500 school districts and 1.5 million children across the country who depend on this program for a quality education. I urge all of my colleagues to support this amendment.

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree with everything that the gentleman said, except that I think it should be called the Kirk, Larsen, Davis, Udall, Crowley, Hayworth, Kelly, Edwards and Hayes amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), chairman of the committee.

Mr. BOEHNER. Mr. Chairman, I want to thank the gentleman from Illinois for bringing this sense of Congress to the floor today.

Mr. Chairman, as a Member who does not have Impact Aid in my district, when I came to Congress, I was wondering what is this and why do we do it. Over the years, Members who have large military and civilian Federal employee impact in their district, do in fact receive funds because we do not as the Federal Government pay taxes in those communities.

I want to congratulate the gentleman from Illinois for bringing this resolution here. I think in the few months he has been here he has done a great job in making sure I am fully aware of how important Impact Aid is to his district and how important it is to other Members' districts. It is a good resolution. We ought to push the appropriators, including Mr. Chairman, that we should in fact fully be funding Impact Aid.

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to conclude on this amendment, I want to salute the bipartisan leadership on this. We have an equal number of Democrats and Republicans concerned.

Under the Constitution, the number one mission of our government is national security; but I think education also comes as a top priority, and it is the education of military kids, Indian kids, and kids coming off of Federal property that is a key Federal responsibility.

We have fallen behind, Mr. Chairman. We used to fully fund this program. We now only fund 46 percent. So by adopting this amendment, I think we can unscore the achievement and begin the consensus building that we need to fully fund the needs of military, Indian and other related kids for Impact Aid.

Mr. Chairman, the children of military families are the most likely to be joining the military in the future. So for our country's own national defense, making sure that quality education is available on or near military, Indian reservations, and other Federal facilities is critical. I urge adoption of the amendment.

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

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been a pleasure for me to join with the gentleman from Illinois (Mr. KIRK) and our colleagues on both sides of the aisle on this issue. As a school board member in San Diego from 1983 to 1992, I felt like we were always going to lobby on behalf of these students. We always had to make a case for these students. It does not seem right that we had to make a case for the children of the families who were fighting for this Nation's security.

Mr. Chairman, I am very pleased that we are working together on this today, and I certainly hope all of my colleagues will join us on a strong ''aye'' vote.

Mr. HAYES. Mr. Chairman, Impact Aid is a crucial element of the basic financial support for schools in my Congressional District in North Carolina. Just as local taxes support other school districts, Impact Aid bridges the gap in counties where the Federal Government is a major landowner. In some cases, Impact Aid supplies a significant portion of school districts' operating budgets.

As one of the over 150 members of the Impact Aid Coalition, one of the largest bipartisan coalitions in Congress, we have worked together to support our local school systems. Full funding for this program will fulfill the federal government's commitment not only to our local school systems but the families of our military men and women and those citizens who are affected by Federal properties. I will continue to work with the appropriators for full funding for this crucial education program and I commend my colleague from Illinois for continuing to support this program.

Mr. SHROCK. Mr. Chairman, I rise today in support of this amendment which recognizes the importance of Impact Aid. In the Commonwealth of Virginia, over 60,000 students of military families attend federally impacted schools. Their parents make many sacrifices to support our national defense. We must provide these students with the quality education that they deserve. By making the Impact Aid an entitlement, the Federal Government will once again become a full partner with the taxpayers in federally connected districts as they, together, provide the revenue needed to deliver a free public education not only military to dependent students, Native American students and other eligible students, but to all students enrolled in federally connected school districts. I urge each Member of Congress to recognize its intent by supporting this bipartisan effort to fully fund the Impact Aid Program.

Mrs. DAVIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BONILLA). All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. KIRK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. KIRK) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 27 printed in House Report 107–69.

AMENDMENT NO. 27 OFFERED BY MR. HOEFFEL

Mr. HOEFFEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. HOEFFEL: In section 5214(b)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, add at the end the following: ''Such a description may include how the applicant will provide release time for teachers (which may include the provision of a substitute teacher).''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from Pennsylvania (Mr. HOEFFEL) and a Member opposed each will control 5 minutes.

Mr. BOEHNER. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for their support for my amendment.

This amendment would add new flexibility to the Federal funds provided in this bill in the enhancing education through technology program to clarify that our school districts on their own initiative can use these funds to provide for the associated cost of leave time so that teachers can be trained in technology.

When I was first elected, Mr. Chairman, I wanted to make sure I knew as much about the public schools in my district as I could. I wanted to hear from the educators in my district about their needs. I sent out a survey to each of the school districts. I started and continue to hold regular education round tables open to parents and teachers, principals and superintendents. I learned a lot about my district and the schools in my district. They obviously put a high priority on educating children, and they want to use the highest and best technology.

I represent a suburban district. We are fortunate to have the resources so that most of my school districts have a good amount of hardware, of computers and so forth, so they are able to provide computers for teachers and students. But I discovered that the biggest problem in my district was getting the teachers trained on technology and to keep them up to date on technology.

Mr. Chairman, the training courses are available to the teachers, but it is difficult in many cases for the school districts to make the time to get teachers out of the classroom in order to be trained.

This amendment would make it clear that school districts can use this Federal money as part of their application for funding under the enhancing education through technology program to apply for leave time and other associated costs to make sure they can get their teachers out of the classroom on a regular basis as they see fit at the local level to keep them trained and updated on technology.

This amendment will go a long way to help the professional development of teachers. While in this bill we are determined to leave no child behind, let us make sure we leave no teacher behind as well. I ask my colleagues to support this amendment.

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

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank the gentleman from Pennsylvania for his contribution on the technology assistance for local schools. The amendment brought to us by the gentleman from Pennsylvania (Mr. HOEFFEL) would increase local flexibility for how they can use the technology money. I think it is a valuable addition, and urge Members to adopt it.

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

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) for his leadership and his support on this particular bill and his hard work in the committee to bring forward this excellent bill. I thank again the gentleman from California (Mr. GEORGE MILLER), the ranking member.

Mr. HONDA. Mr. Chairman, I rise today in support of the Hoeffel Amendment because I believe that in order for schools to perform at 21st century levels, we must provide them with 21st century technology and training.

Our teachers and administrators must be better trained if we are to maximize the use of computers and the Internet in schools. The Hoeffel Amendment will ensure that while classroom teachers seek out advanced technology training that their districts will support them. This amendment truly reflects our willingness to put our money where our mouth is. This amendment says we support our teachers.

Through my experience as a high school teacher and principal, I know that high achievement is dependent upon the learning environment. That means up-to-date, safe buildings, high quality teachers, and goods tools to promote learning.

We need to work with teachers and high tech businesses to integrate technology into classroom curriculum. We also need to encourage high tech businesses to lend their employees to our schools in order to ensure the most up-to-date technology skills.

I urge my colleagues to support the Hoeffel Amendment.

Mr. HOEFFEL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOEFFEL).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 28 printed in House Report 107–69.

AMENDMENT NO. 28 OFFERED BY MR. COX

Mr. COX. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. COX:

In part E of title VIII of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill—

(1) redesignate section 8520 as section 8521 (and correct any cross-references accordingly); and

(2) insert after section 8519 the following:

"SEC. 8520. AGGREGATE INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002 EQUAL TO 11.5 PERCENT.

"Notwithstanding any other provision of this Act—

"(1) for fiscal year 2002, the aggregate amount of funds authorized to be appropriated under this Act shall be $20,528,782,360 (representing an increase of 11.5 percent over the aggregate amount appropriated for programs under this Act for fiscal year 2001); and

"(2) for each subsequent fiscal year covered by this Act, the aggregate amount of funds authorized to be appropriated under this Act shall be the amount appropriated for the preceding fiscal year, increased by 3.5 percent.

The CHAIRMAN pro tempore. Pursuant to House Resolution 143, the gentleman from California (Mr. COX) and the gentleman from Michigan (Mr. KILDEE) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to more closely conform the spending levels in H.R. 1 to the budget that has been adopted by the Congress and by this House and to the budget that has been submitted to us by the President.

□ 1700

In their letter of support for this legislation, the administration, on May 15, 2001, wrote as follows: "The administration supports House passage of H.R. 1, which reflects the themes of no child left behind, the President's comprehensive proposal to reform the Elementary and Secondary Education Act of 1965.

"The administration urges the House to refine the committee bill; to maintain fiscal discipline. The bill," the administration says, "contains excessive appropriation authorization levels."

Here is what the letter says specifically about that: "The total appropriation," according to the Office of Management and Budget, "contained in H.R. 1 as reported exceeds the President's total request by over nearly $5 billion for fiscal year 2002. The administration has produced a responsible budget that includes significant increases for key education programs, while also maintaining fiscal discipline government-wide. The administration urges the House to pass a bill that is closely aligned with the President's budget."

This amendment will implement President George W. Bush's commitment to an 11.5 percent increase in funding for education. This amendment provides that the total of all the funding increases in this bill, in the first year, will represent an 11.5 percent increase over fiscal year 2001.

This is a rate of growth proposed for all Department of Education programs by the President. In fact, this amendment authorizes more funding than the President proposed in his budget and certainly more funding than we proposed in our budget.

This 11.5 percent increase authorized in this amendment will authorize approximately $1.5 billion more for fiscal year 2002 than did H.R. 1 as introduced. For all subsequent years, the amendment authorizes further increases in

aggregate funding of 14 percent. This increase in subsequent years is in line with President Bush's original budget request for K–12 education programs.

This amendment more than triples the percentage increase in K–12 funding in our budget resolution. This amendment guarantees that increases in education spending and increases for the Department of Education will make it the most significant recipient of additional funds of any cabinet agency. This is the largest increase in Federal spending for any cabinet agency.

Mr. Chairman, the Bush administration is urging amendment of H.R. 1 to more closely conform to the President's budget. Our choice is to spend a great deal more, 11.5 percent, or to in fact bust the budget so much to make this bill so unrecognizable that we are jeopardizing other education programs that are not covered by this bill if we intend to live within the overall projection of an 11.5 percent increase in funding for education.

I, therefore, urge adoption of this amendment, which is a very moderate approach to resolving the problem, because it is a much bigger increase in spending than was proposed by the administration. It is a bigger increase than was proposed in our own budget. It is a bigger increase than was in H.R. 1 as introduced. It is consistent with the 11.5 percent increase across the board for education that the administration proposes; and yet it maintains fiscal discipline, something we should be teaching our children as we act here in Congress responsibly with a very good bill to improve education.

It is important to live within a budget. Certainly an 11.5 percent increase in these programs, the largest increase of any cabinet agency, is something that we should all be very, very proud of. I urge adoption of this amendment, Mr. Chairman.

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

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have always believed that education, the education dollar, is really an investment dollar. It should really be part of our capital budget. It is a very important area of our national life, and we worked closely on these figures within the committee and reached bipartisan support for these figures in the committee, not without the knowledge of the White House.

Now, the White House submitted the budget, but White Houses are even permitted to adjust figures. We worked closely with Sandy Kress from the White House as we, in a bipartisan way, crafted what we figured were figures that should be the authorization levels for these programs.

Now, albeit we will have to fight for the appropriations for these things, I have always said that the authorization is much like a get-well card. If I have a friend who is ill, I will send my friend a get-well card indicating my sentiment and the value of my friend; but what my friend really needs is the Blue Cross card to pay the bills.

This is what the committee, the authorizing committee, agreed upon were figures that would address the needs of education in this country. We did not do this in a vacuum in secret from the White House. Mr. Sandy Kress was with us most of those times as we discussed this. So I would assume the White House certainly wants this bill to be passed. I know they have been working very, very hard on both sides of the aisle to get this bill passed.

So let us give the White House a chance in some informal way to adjust its figures that it had in its budget.

What did we do in the committee? We did double the title I program over 5 years to $17.2 billion to raise the academic achievement of our low-income children. We have all talked about the importance of title I.

We increased resources for teacher quality by $1.3 billion to $3.6 billion. We have school districts throughout this country that have what I call ''bus stop'' teachers. They have teachers who are not qualified, they are not certified, not qualified to teach in their field. That is unfair to our students so we increased money for teacher quality.

We set aside $500 million to turn around our low-performing schools. We have to identify those low-performing schools by having some standards and some good assessment, and we will turn those schools around hopefully with these dollars.

We invest $750 million for students with limited English proficiency, a $290 million increase. The gentleman from Texas (Mr. HINOJOSA) worked very hard on that issue. It increases an area that is very, very important for our national life.

It increases education technology to $1 billion, an increase of $128 million.

These figures were arrived at in the full light of the day with the awareness of the White House, and the White House in the last few days has been pushing for enactment of this bill. I would urge that this amendment be turned down.

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

Mr. COX. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from California (Mr. COX). The Cox amendment is responsible public policy to allow for an 11.5 percent increase in elementary and secondary education funding over last year's level. This amendment authorizes more money for K–12 programs than did H.R. 1, ''leave no child behind'' legislation as introduced.

By standing here today and supporting the Cox amendment others may make claims that this is a gutting or cutting amendment of the whole bill; that this for some reason would make me less of a pro-child or pro-education Member of Congress.

Let me be clear on a couple of things. First, this amendment allows for a significant amount of increased spending for education over the current appropriation levels.

Secondly, it is not as if money alone will put us on the path to education reform in this country. We all know that we have spent over $120 billion Federal dollars on title I programs for disadvantaged children since the program began in 1965, with $80 billion in the last decade. We have little improvement to show for all of this spending.

The achievement gap has not closed. In fact, despite increased spending, test scores remain stagnant.

We should not subsidize failure. We should not pour more money into the status quo. As we provide for more funding, we should ask for results.

In my life before Congress, I was a quality consultant, and we worked a lot on improving qualities in corporations; and we found that just putting more money or energy behind the current processes seldom improved very much at all. It was only when we let the people who were actually on the front lines have the flexibility and authority to actually change things that quality could actually be improved. Measuring output and setting minimum standards did very little to improve quality.

America, in just about every other segment, has understood that changing the process can improve the quality.

I know we all desire the same outcome. We want better schools and better education for all of our children across this land. To secure the future for our children, I believe that the answer is not money alone but that embracing some real reform concepts that we have talked about here today.

I believe that when we give teachers and principals and parents more flexibility and authority at the local level, we can actually change things. And until we do, just flooding the system with more money is not going to work.

We have a very responsible proposal by the gentleman from California (Mr. COX) to increase funding over a level last year that was also substantially increased. Let us give time for our reforms to work. Let us fund it at an 11.5 percent increase, more money for reading and all the critical programs we have talked about, and then review in a year or two and see how we can continue to improve.

I urge all of my colleagues to support the COX amendment as a practical measure.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Without objection, the gentleman from California (Mr. GEORGE MILLER) will control the time in opposition.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend, the gentleman from California (Mr. GEORGE MILLER), for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. There is a basic agreement in this bill that would be completely rejected and violated if this amendment were enacted. And the agreement is this: many of us who frankly have some misgivings about annual testing held together yesterday and with a bipartisan majority rejected an amendment that would have removed annual testing from this bill. Here is what the annual testing will tell us: schools that are overcrowded, that have minimal parental involvement, that have teachers teaching out of field, in dilapidated facilities, that are not safe, will have low test scores. That is what the annual testing is going to tell us.

What we also know is that fixing that problem will require better teachers teaching in field to smaller classes with better technology in more modern, safer facilities, with greater parental involvement, with breakfast programs, with after-school programs, with tutoring and summer school, and all of the other elements that make a school successful. That costs money.

If we do not follow up on the other part of this agreement and provide for the doubling of title I funding that is authorized by this bill, then this bill is nothing but a cruel hoax on the lagging schools and the struggling students of this country.

The amendment does a public service, I must say. It points out the difference between the rhetoric of the administration and the reality of the budget resolution approved by this House and by the other body. Perhaps by the rules we are bound by that resolution, but by our commitment to better education and by our commitment to the principles that underlie this bill we are not. We should reject this amendment and adhere to this deal.

Mr. COX. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. Over my 10 years in Congress, I have often come down on this floor to argue for a balanced budget, to argue for a line item veto, to argue against a space station that is now an additional $4 billion over budget, as someone who believes that money is not the answer to all of our problems.

□ 1715

In this bill, we have crafted a bipartisan agreement that says, very carefully, we will test more children and diagnostically use those tests to try to help remediate many of these children in title I schools in some of the poorest areas of America, in schools where some of these children do not have computers, where they have textbooks with missing pages that are 30 years old. They have roofs falling down on top of them, and they have schools that sometimes are delayed opening by 3 and 4 weeks because of plumbing problems.

Now, I would love to be a political consultant and put commercials together in the next election which would kind of say on these votes coming up, here was a vote to put $3 billion toward the poorest children in America and help in a bipartisan way get them a good education, or another vote to give the taxpayers of this country a $1.35 trillion tax cut. We did not have enough room to help the poorest kids in America, but we sure had plenty to go even higher than a $1.35 trillion tax cut.

Mr. Chairman, this is a bipartisan agreement to help on bipartisan testing, to help remediate in diagnostic ways the poorest kids in the poorest districts. Let us defeat this amendment and move forward to conference with a bipartisan bill.

Mr. COX. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield the remaining time for the purposes of closing to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from California for yielding me this time.

What I think this House needs to bear in mind as we consider this very, very important amendment is that the structure that we have put forth is a formula which really puts the Federal Government into the position of elaborating very strict standards that the school districts that are eligible for this funding under title I and other titles must meet in order to receive the funding. And then, on top of that, pursuant to the President's recommendation, we have now said that the schools have to test these children in every grade from 3 to 8. Why are we doing all of this testing if we are not going to help these children and the schools meet their requirements of success? Leave no child behind. We cannot test, evaluate, have standards, require the schools to meet them and not come up with the necessary resources.

So I urge this House to keep faith with what the President has said, leave no child behind, keep faith with what the bipartisan committee has done in recommending H.R. 1, and it was a very difficult task; there are lots of things that I would like to see in this bill, school construction, smaller classrooms and other things, but we came together with a core agreement. The Republicans had to make some concessions, the Democrats made concessions, but we have an understanding that this is what it takes to reform education in America, to make sure that the poorest among us have an opportunity.

Mr. Chairman, we have lifted up the hope and faith of the people of this country, the teachers and the families who believe that what we are doing means something when we double the funding for title I. It is not an empty phrase, it is not a percentage over what we did last year. This is a new thrust to try to meet the responsibilities of this country. Yes, local school districts and the States have the primary responsibility for education, but the Federal Government is saying, we want to help. Do not diminish that promise of help by cutting before we even get to the table to negotiate with the appropriators on the money necessary to produce equal opportunity for our kids in this country.

Mr. COX. Mr. Chairman, I ask unanimous consent that the debate be extended by 5 minutes on each side.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman for yielding me this time.

Our schools are important enough and our children matter enough that we ought to be willing to spend a lot of money, frankly, on education, if that spending comes along with real, meaningful reform that has the promise, offers the promise of improving our schools.

The President proposed meaningful reform, and he also proposed spending 11.5 percent in increases over last year's spending on education. Now, the reform has been ripped out of the bill. The choice has been taken out of the bill. The President proposed school choice in his Leave No Child Behind provision; that is gone. The flexibility provisions are not even going to be brought up on the floor. That is gone. What we have are some testing provisions, all of which can fit easily within the 11.5 percent increase that the President proposed for the whole plan. H.R. 1 now is just a fraction of the plan, yet we are spending even more money than the President proposed.

In an effort to try to be consistent and at least stick to what the President originally had suggested this Congress do, he stood right here in front of us, he brought this plan with him and described it, he brought his budget proposals and suggested that the government should grow at a rate of 4 percent, but he made the exception with the Department of Education, that the Department of Education should grow at a rate of 11.5 percent over the next year, nearly 3 times more than the rest of government.

Those reforms, I believe, were important, and I regret that they are no longer part of H.R. 1. But the Committee on Education and the Workforce prepared this chart and I would refer

Members to it. It shows that way back in 1990, we had an expenditure of about $18.6 billion. That has grown this year to $42.1 billion. This is a huge escalation in growth and spending in the size of the education bureaucracy, yet test scores in the country remain stagnant.

The message here is that throwing more money at the education problem clearly has no impact whatsoever on the improvement of academic performance of our students; reform does. However, we decided reform is not important in H.R. 1. Let us at least give the President a victory on his spending proposals. Let us adopt the Cox amendment at 11.5 percent.

Mr. COX. Mr. Chairman, I yield myself 15 seconds.

I want to again focus our attention on the fact that the amendment that is before us calls for an 11.5 percent increase over last year in funding for the programs covered by this legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my colleagues on this side of the aisle have already laid out the situation that we find ourselves in. Passage of this amendment, in fact, breaks the arrangement and the deal that we have with respect to this legislation.

Let us look at why we have added the increases that we have in this legislation. We have added the increases in this legislation because we think they are important to bringing about the reforms that many in this Congress have said, many on both sides of the aisle, but also what clearly this President of the United States has said that he wants to achieve in terms of the results. Yes, that chart that was just held up by the gentleman from Colorado (Mr. SCHAFFER), and earlier held up a number of times by the gentleman from Georgia (Mr. ISAKSON), tells us a story that we are not particularly proud of. But that is because in the past, generally, when we have authorized this legislation, we have not put in the accountability provisions that are in this bill.

So these school districts that have among the highest percentages of poor children of any school districts in the Nation, very often they are also the poorest school districts because they do not have very high assessed evaluations, so certainly they are not receiving the resources that are necessary that they receive, or we would not have this program, because the States have already made the determination to not provide them the equalized funding.

But among these, the poorest school districts with the poorest children, as the President will point out, and the poorest performing children, under this legislation, within 4 years they are going to have to have a qualified teacher in every classroom. Today they have teachers on emergency credentials. Today they have teachers on provisional credentials. They are going to have to get those teachers trained, certified and qualified to teach in the subject matter in which they are teaching. That does not come free. They are going to be held accountable, not just for the average, how the average child is doing in the school district, but they are going to be held accountable for every poor child, for every minority child, for every limited English-speaking child in that school district. They are going to have to have the results that suggest that they are making the yearly progress. They are going to be held to yearly standards on making that progress according to the standards selected by the States.

That is why we need new resources. That is why it is not a question of whether it is 11 percent or not, it is a question of whether or not we are adequately prepared to fund and to provide these kids an opportunity and a first class education. Because even with this effort, almost all of these children will not have the financial resources available to them that many of our children have had available to them in the schools where they have gone. That is why they are among some of the least performing schools in our system.

So let us understand that this is a very different arrangement than what the Congress has done in the past. There is a huge lobby in this town that is against this bill, because they are for the status quo. They are not for testing. They are not for accountability. They are just for Federal dollars. And what we have said in this legislation is we are not going there again. We are not going to have this, the first education bill of the millennium. We are not going to have this, when we just put the money on the table. As the gentleman from Michigan (Mr. KILDEE) says, they just come by and take it. No, if you want to sign up for this, you are going to be held accountable and you have to have first class programs for all of the children, all of the children, and they deserve them.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), the chairman of the Republican Study Committee.

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to first associate myself with the remarks of the gentleman from Colorado (Mr. SCHAFFER), who pointed out that it is regrettable that much of the reforms that were in this legislation that would have improved education across America are gone. But I really want to focus my remarks now on the Cox amendment and why I think it is such a good amendment.

The gentlewoman from Hawaii (Mrs. MINK) who spoke before the last speaker on the other side, in her remarks, said that we should not begin this process by cutting; indeed, that that would be a serious mistake. Well, make no mistake about it: there is no cutting going on in this bill or in the Cox amendment, nor is there any cutting going on in education spending.

Since the Republican Party became the majority in this Congress, we have more than doubled the funding for K-through-12 education. Indeed, we have increased it by 109 percent. That is not a cut of spending by any stretch. In the Cox amendment, we triple funding. As a matter of fact, as this chart shows, we triple the rate of funding increase from the original H.R. 1 for K-through-12 education. We go to the President's proposal of an 11.5 percent spending increase next year, the highest of any cabinet level agency in the country. So for someone to talk about cutting, they are simply not getting the facts straight. A tripling of the rate of spending is not cutting. This is a fiscally responsible amendment, which I urge my colleagues to adopt.

□ 1730

Let us look at some of the other facts.

The Cox amendment matches the President's Department of Education budget request. The Cox amendment authorizes more funding for K through 12 education programs than did H.R. 1, as introduced. The Cox amendment authorizes more funding for K through 12 programs than the President's budget.

On top of that, the Cox amendment guarantees that the Department of Education will receive the single largest increase in spending of any cabinet agency.

This is a reasonable amendment. It is a fiscally prudent amendment. To call it cutting is to misrepresent the facts. I urge my colleagues to join me in passing the Cox amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Let me say this about this amendment to cut these education monies for the poorest children in our society and the poorest school districts in our society.

Mr. Chairman, we have to put it in context. We have to put it in context. We are going to finish this bill in the next hour. Then we are going to have a motion to go to conference on a tax bill, a $1.3 trillion tax bill that is going to spend 13 times as much on the top 1 percent of taxpayers in this country than we are going to spend in all of this legislation.

Some on that side of the aisle would think that the rich do not have enough money and the poor have too much. This money is absolutely essential in this bill if in fact we are going to bring about the reforms that almost every Member in this body has said that he or she wants for their school districts, for the children who reside in those school districts, and if we are in fact going to have those reforms result in the results that we all say we want in terms of the performance of our students.

They can chop the money, but they should not come telling me they want the same results. They cannot bring about these reforms on the cheap. They cannot do that. So if we put it in the context of what else this Congress is doing, we tried to explain, it would be difficult to do a first class job on education and also to have a $1 trillion tax cut, but they have made those choices.

However, we ought not now, in the same night we are going to do the $1 trillion tax cut, take away from the poorest children in this country their one chance at education, opportunity, and accountability that they have been denied for so very long. That is what we have to understand.

That is why we have got to reject the Cox amendment and stay with the bill that was reported from the committee, that was reported out with overwhelmingly bipartisan support.

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the ranking member, the gentleman from California (Mr. GEORGE MILLER), for his hard work on this legislation. I intend to vote for it. I support the accountability that is in this bill. I support the President's aim to make sure that no child is left behind. I support the whole of the President's request, including in particular the President's request to this House that we amend this bill as it was reported to committee to make it more closely conform with the President's budget and our own budget.

The President has proposed an 11.5 percent increase in education programs. Our own budget proposed a 3.2 percent increase in funding for the K through 12 programs that are the subject of this bill.

My amendment increases H.R. 1 as introduced, increases the budget that has already been passed by this House so that the total of programs funded by this bill are increased next year by 11.5 percent. If we do not adopt this amendment, the rate of increase will be 23.5 percent.

I have school-aged kids. They are in second grade, first grade, and preschool. I care a lot about their future, which is why I am so supportive of this big increase in support for education, continuing the major increases in funding that we have experienced over the last several years.

But I worry about their future, not just in education but also in Social Security and in Medicare. I want the future for them to be just as great in the job market as it has been recently during the 1990s. I hope we can have some tax relief so those jobs will be there.

If we go way beyond the 3.2 percent increase in our budget, way beyond even the 11.5 percent that is called for in this amendment, then our appropriators, my colleagues on the other side of the aisle and on this side of the aisle who are striving to maintain our responsible budget, will have to cut other education programs that are not covered by this bill. That is not what anyone here wants.

Mr. Chairman, let us honor the President's request to more closely conform this bill to his and our own budget. Let us live within a budget. Let us honor our children. Let us honor their future. Vote yes on the Cox amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from California (Mr. COX).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. COX) will be postponed.

PREFERENTIAL MOTION OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. GEORGE MILLER of California moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of my motion. I do so to once again outline the accomplishments of this legislation, and to buy a bit of time for some of our Members who are currently in a meeting.

Mr. Chairman, we are bringing to a close here the debate on H.R. 1. I want to begin by thanking certainly all of the Members that have participated in that debate on this floor, on both sides of the aisle. It has been a spirited debate from time to time, but that is because we have very strongly-held views in this House about education, and we have different views about how that education should be carried out, and the Federal role and involvement in education in this country.

It is honorable and it is important that this House allow that kind of debate, and I appreciate the fact that the Committee on Rules did in fact make in order the amendments that they did. I wish they would have made in order more of the amendments from this side of the aisle so we could have debated school construction and class size reduction, but we were not able to do that.

However, I think, as Members can see from the debate over the last 2 days, it is very clear that this subject matter captures the interest and the imagination of the Members of Congress. They all have very strong feelings on it.

All of us have spent a great deal of time when we were back in our districts visiting schools, talking to schoolteachers, talking to parents, talking to children, going through the process over and over again at all different levels.

It is clear that this is the foundation of our society. This legislation is tough. This legislation is comprehensive. This legislation is controversial. However, I think in fact that the work product that we have put together here is one that we can all be proud of, and I think as we bring about this first reauthorization of the Elementary and Secondary Education Act of this millenium, that we truly are setting out on a different course.

We are setting out on a different course because the President wants to change the direction, and because Members of Congress on a bipartisan basis want to change the direction of the use of Federal dollars and the purposes for which they are used.

This legislation has called together a coalition, again from both sides of the aisle, but even within our own caucus. Some of the suggestions made here, and some of, in fact, the key suggestions, were brought to us in our caucus by the New Democrats, who helped us reach agreement with the Republicans on flexibility, something we have talked about for many years.

It has been very controversial, there has been great resistance to it, but in this legislation in fact we have worked it out. I want to thank those Members for that.

I also want to make clear that I do not want to overlook, as we get to the end, the work that has been done by the staff. The members of the working group spent a lot of time talking about this legislation, but our staff spent much, much more time, as did the staff of all of the Members of the Committee, in bringing about this agreement.

We worked on Tuesdays, Wednesdays, and Thursdays on this legislation, and the staff worked Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays, and Sundays on this legislation, and very often late at night. I think the work product reflects that. This committee is very fortunate to have people with a great deal of institutional memory and with a great deal of skills and talent and knowledge about this subject matter.

We have warred over some of these topics and we have agreed on some of these topics, but I think that is why in fact we again were able to produce this work product in this Congress this rapidly, and with this level of agreement.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 20 offered by the gentleman from Texas (Mr. BRADY);

Amendment No. 26 offered by the gentleman from Illinois (Mr. KIRK);

Amendment No. 28 offered by the gentleman from California (Mr. COX).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 20 OFFERED BY MR. BRADY OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BRADY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 189, not voting 4, as follows:

[Roll No. 141]

AYES—239

Aderholt	Ferguson	Largent
Akin	Flake	Latham
Armey	Fletcher	LaTourette
Bachus	Foley	Leach
Baird	Fossella	Lewis (CA)
Baker	Frelinghuysen	Lewis (KY)
Ballenger	Gallegly	Linder
Barr	Ganske	LoBiondo
Bartlett	Gekas	Lucas (KY)
Barton	Gibbons	Lucas (OK)
Bass	Gilchrest	Matheson
Bereuter	Gillmor	McCrery
Biggert	Goode	McHugh
Bilirakis	Goodlatte	McInnis
Blunt	Goss	McKeon
Boehlert	Graham	Mica
Boehner	Granger	Miller (FL)
Bonilla	Graves	Miller, Gary
Bono	Green (WI)	Mollohan
Borski	Greenwood	Moran (KS)
Boyd	Grucci	Myrick
Brady (TX)	Gutknecht	Nethercutt
Brown (SC)	Hall (OH)	Ney
Bryant	Hall (TX)	Northup
Burr	Hansen	Norwood
Burton	Hart	Nussle
Buyer	Hastings (WA)	Osborne
Callahan	Hayes	Ose
Calvert	Hayworth	Otter
Camp	Hefley	Oxley
Cannon	Herger	Pence
Cantor	Hilleary	Peterson (MN)
Capito	Hobson	Peterson (PA)
Castle	Hoekstra	Petri
Chabot	Holden	Phelps
Chambliss	Horn	Pickering
Clement	Hostettler	Pitts
Coble	Houghton	Platts
Collins	Hulshof	Pombo
Combest	Hunter	Portman
Condit	Hutchinson	Pryce (OH)
Cooksey	Hyde	Putnam
Cox	Isakson	Quinn
Cramer	Issa	Radanovich
Crane	Istook	Ramstad
Crenshaw	Jenkins	Regula
Culberson	John	Rehberg
Cunningham	Johnson (CT)	Reynolds
Davis, Jo Ann	Johnson, Sam	Riley
Davis, Tom	Jones (NC)	Roemer
Deal	Kanjorski	Rogers (KY)
DeLay	Keller	Rogers (MI)
DeMint	Kelly	Roukema
Dicks	Kennedy (MN)	Royce
Doolittle	Kerns	Ryan (WI)
Dreier	King (NY)	Ryun (KS)
Duncan	Kingston	Saxton
Dunn	Kirk	Scarborough
Ehlers	Knollenberg	Schaffer
Emerson	Kolbe	Schiff
Everett	LaHood	Schrock
Sensenbrenner	Spratt	Upton
Sessions	Stearns	Vitter
Shadegg	Stenholm	Walden
Shaw	Stump	Walsh
Shays	Sununu	Wamp
Sherwood	Sweeney	Watkins
Shimkus	Tancredo	Watts (OK)
Shows	Tauzin	Weldon (FL)
Shuster	Taylor (MS)	Weldon (PA)
Simmons	Taylor (NC)	Weller
Simpson	Thomas	Whitfield
Skeen	Thompson (CA)	Wicker
Skelton	Thornberry	Wilson
Smith (MI)	Thune	Wolf
Smith (NJ)	Thurman	Wu
Smith (TX)	Tiahrt	Wynn
Smith (WA)	Tiberi	Young (AK)
Souder	Toomey	Young (FL)
Spence	Traficant	

NOES—189

Abercrombie	Gordon	Mink
Ackerman	Green (TX)	Moore
Allen	Gutierrez	Moran (VA)
Andrews	Harman	Morella
Baca	Hastings (FL)	Murtha
Baldacci	Hill	Nadler
Baldwin	Hilliard	Napolitano
Barcia	Hinchey	Neal
Barrett	Hinojosa	Oberstar
Becerra	Hoeffel	Obey
Bentsen	Holt	Olver
Berkley	Honda	Ortiz
Berman	Hooley	Owens
Berry	Hoyer	Pallone
Bishop	Inslee	Pascrell
Blagojevich	Israel	Pastor
Blumenauer	Jackson (IL)	Paul
Bonior	Jackson-Lee (TX)	Payne
Boswell	Jefferson	Pelosi
Boucher	Johnson (IL)	Pomeroy
Brady (PA)	Johnson, E. B.	Price (NC)
Brown (FL)	Jones (OH)	Rahall
Brown (OH)	Kaptur	Rangel
Capps	Kennedy (RI)	Reyes
Capuano	Kildee	Rivers
Cardin	Kilpatrick	Rodriguez
Carson (IN)	Kind (WI)	Rohrabacher
Carson (OK)	Kleczka	Ros-Lehtinen
Clay	Kucinich	Ross
Clayton	LaFalce	Rothman
Clyburn	Lampson	Roybal-Allard
Conyers	Langevin	Rush
Costello	Lantos	Sabo
Coyne	Larsen (WA)	Sanchez
Crowley	Larson (CT)	Sanders
Cummings	Lee	Sandlin
Davis (CA)	Levin	Sawyer
Davis (FL)	Lewis (GA)	Schakowsky
Davis (IL)	Lipinski	Scott
DeFazio	Lofgren	Serrano
DeGette	Lowey	Sherman
Delahunt	Luther	Slaughter
DeLauro	Maloney (CT)	Snyder
Deutsch	Maloney (NY)	Solis
Diaz-Balart	Manzullo	Stark
Dingell	Markey	Strickland
Doggett	Mascara	Stupak
Doyle	Matsui	Tanner
Edwards	McCarthy (MO)	Tauscher
Ehrlich	McCarthy (NY)	Terry
Engel	McCollum	Thompson (MS)
English	McDermott	Tierney
Eshoo	McGovern	Towns
Etheridge	McIntyre	Turner
Evans	McKinney	Udall (CO)
Farr	McNulty	Udall (NM)
Fattah	Meehan	Velazquez
Filner	Meek (FL)	Waters
Ford	Meeks (NY)	Watt (NC)
Frank	Menendez	Waxman
Frost	Millender-McDonald	Weiner
Gephardt	Miller, George	Wexler
Gilman	Moakley	Woolsey
Gonzalez	Nadler	

NOT VOTING—4

Cubin	Moakley
Dooley	Visclosky

□ 1804

Messrs. TERRY, WEINER, GUTIERREZ, NADLER, GEPHARDT, SERRANO, DIAZ-BALART, ENGLISH, Ms. ROS-LEHTINEN, Mr. MCINTYRE and Mr. PASCRELL changed their vote from ''aye'' to ''no.''

Mr. PHELPS and Mr. HOLDEN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 26 OFFERED BY MR. KIRK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 3, not voting 4, as follows:

[Roll No. 142]

AYES—425

Abercrombie	Buyer	Dicks
Ackerman	Callahan	Dingell
Aderholt	Calvert	Doggett
Akin	Camp	Dooley
Allen	Cannon	Doolittle
Andrews	Cantor	Doyle
Armey	Capito	Dreier
Baca	Capps	Duncan
Bachus	Capuano	Dunn
Baird	Cardin	Edwards
Baker	Carson (IN)	Ehlers
Baldacci	Carson (OK)	Ehrlich
Baldwin	Castle	Emerson
Ballenger	Chabot	Engel
Barcia	Chambliss	English
Barr	Clay	Eshoo
Barrett	Clayton	Etheridge
Bartlett	Clement	Evans
Barton	Clyburn	Everett
Bass	Coble	Farr
Becerra	Collins	Fattah
Bentsen	Combest	Ferguson
Bereuter	Condit	Filner
Berkley	Conyers	Flake
Berman	Cooksey	Fletcher
Berry	Costello	Foley
Biggert	Cox	Ford
Bilirakis	Coyne	Fossella
Bishop	Cramer	Frank
Blagojevich	Crane	Frelinghuysen
Blumenauer	Crenshaw	Frost
Blunt	Crowley	Gallegly
Boehlert	Culberson	Ganske
Boehner	Cummings	Gekas
Bonilla	Cunningham	Gephardt
Bonior	Davis (CA)	Gibbons
Bono	Davis (FL)	Gilchrest
Borski	Davis (IL)	Gillmor
Boswell	Davis, Jo Ann	Gilman
Boucher	Davis, Tom	Gonzalez
Boyd	Deal	Goode
Brady (PA)	DeFazio	Goodlatte
Brady (TX)	DeGette	Gordon
Brown (FL)	Delahunt	Goss
Brown (OH)	DeLauro	Graham
Brown (SC)	DeLay	Granger
Bryant	DeMint	Graves
Burr	Deutsch	Green (TX)
Burton	Diaz-Balart	Green (WI)

Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
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
Millender-McDonald
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
Olver
Ortiz
Osborne
Ose
Otter
Owens
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
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
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)
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—3

Obey
Sensenbrenner
Upton

NOT VOTING—4

Cubin
Hutchinson
Moakley
Visclosky

□ 1812

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 28 OFFERED BY MR. COX

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. COX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 101, noes 326, not voting 5, as follows:

[Roll No. 143]

AYES—101

Akin
Armey
Baker
Barr
Bartlett
Barton
Blunt
Bono
Brady (TX)
Bryant
Burton
Camp
Cannon
Cantor
Chabot
Coble
Combest
Cox
Crane
Crenshaw
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Duncan
Ehrlich
Flake
Foley
Goode
Goodlatte
Graham
Granger
Gutknecht
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Issa
Istook
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kerns
Kingston
Knollenberg
Largent
Larson (CT)
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCrery
McInnis
Mica
Miller (FL)
Miller, Gary
Myrick
Norwood
Nussle
Otter
Pascrell
Paul
Pence
Pitts
Pombo
Portman
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Weldon (FL)
Young (AK)

NOES—326

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Buyer
Callahan
Calvert
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hayes
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
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Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
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Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
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Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
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Woolsey
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Young (FL)

NOT VOTING—5

Cubin
Hutchinson
Moakley
Rush
Visclosky

□ 1819

Mr. CALVERT changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LARSON of Connecticut. Mr. Chairman, on rollcall No. 143, the Cox of California amendment, I inadverently voted ''yea'' on rollcall No. 143. I intended to vote ''nay.''

The CHAIRMAN pro tempore. There being no further amendments in order under the rule, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS OF Washington) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, pursuant to House Resolution 143, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OWENS. At this point I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OWENS moves to recommit the bill H.R. 1 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendment:

Page 926, after line 12, insert the following (and redesignate provisions and conform the table of contents accordingly):

TITLE IX—SCHOOL IMPROVEMENT PROGRAMS

SEC. 901. SCHOOL IMPROVEMENT PROGRAMS.

The Elementary and Secondary Education Act of 1965, as amended by this Act, is further amended by adding at the end the following:

''TITLE IX—SCHOOL IMPROVEMENT PROGRAMS

''PART A—SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION; ASSISTANCE FOR CHILDREN WITH DISABILITIES; TECHNOLOGY ACTIVITIES

''SEC. 9101. GRANT PROGRAM.

''(a) GRANTS TO NATIVE AMERICAN SCHOOLS AND STATE EDUCATIONAL AGENCIES.—

''(1) ALLOCATION OF FUNDS.—Of the amount made available to carry out this section for any fiscal year, the Secretary shall allocate—

''(A) $75,000,000 for grants to impacted local educational agencies (as defined in paragraph (3)) for school repair, renovation, and construction;

''(B) $3,250,000 for grants to outlying areas for school repair and renovation in high-need schools and communities, allocated on such basis, and subject to such terms and conditions, as the Secretary determines appropriate;

''(C) $25,000,000 for grants to public entities, private nonprofit entities, and consortia of such entities, for use in accordance with part B; and

''(D) the remainder to State educational agencies in proportion to the amount each State received under part A of title I for the previous fiscal year, except that no State shall receive less than 0.5 percent of the amount allocated under this subparagraph.

''(2) DETERMINATION OF GRANT AMOUNT.—

''(A) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the grant amounts under paragraph (1)(A) for any fiscal year, the Secretary shall determine the results obtained by the computation made under section 6003 with respect to children described in subsection (a)(1)(C) of such section and computed under subsection (a)(2)(B) of such section for such year—

''(i) for each impacted local educational agency that receives funds under this section; and

''(ii) for all such agencies together.

''(B) COMPUTATION OF PAYMENT.—The Secretary shall calculate the amount of a grant to an impacted local educational agency by—

''(i) dividing the amount described in paragraph (1)(A) by the results of the computation described in subparagraph (A)(ii); and

''(ii) multiplying the number derived under clause (i) by the results of the computation described in subparagraph (A)(i) for such agency.

''(3) DEFINITION.—For purposes of this section, the term 'impacted local educational agency' means, for any fiscal year—

''(A) a local educational agency that receives a basic support payment under section 6003(b) for such fiscal year; and

''(B) with respect to which the number of children determined under section 6003(a)(1)(C) for the preceding school year constitutes at least 50 percent of the total student enrollment in the schools of the agency during such school year.

''(b) WITHIN-STATE ALLOCATIONS.—

''(1) ADMINISTRATIVE COSTS.—

''(A) STATE EDUCATIONAL AGENCY ADMINISTRATION.—Except as provided in subparagraph (B), each State educational agency may reserve not more than 1 percent of its allocation under subsection (a)(1)(D) for the purpose of administering the distribution of grants under this subsection.

''(B) STATE ENTITY ADMINISTRATION.—If the State educational agency transfers funds to a State entity described in paragraph (2)(A), the agency shall transfer to such entity 0.75 of the amount reserved under this paragraph for the purpose of administering the distribution of grants under this subsection.

''(2) RESERVATION FOR COMPETITIVE SCHOOL REPAIR AND RENOVATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 75 percent of such funds to local educational agencies or, if such State educational agency is not responsible for the financing of education facilities, the agency shall transfer such funds to the State entity responsible for the financing of education facilities (referred to in this section as the 'State entity') for distribution by such entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (c), for school repair and renovation.

''(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(i) IN GENERAL.—The State educational agency or State entity shall carry out a program of competitive grants to local educational agencies for the purpose described in subparagraph (A). Of the total amount available for distribution to such agencies under this paragraph, the State educational agency or State entity, shall, in carrying out the competition—

''(I) award to high poverty local educational agencies described in clause (ii), in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such local educational agencies received under part A of title I for the previous fiscal year bears to the aggregate amount received for such fiscal year under such part by all local educational agencies in the State;

''(II) award to rural local educational agencies in the State, in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such rural local educational agencies received under part A of title I for the previous fiscal year bears to the aggregate amount received for such fiscal year under such part by all local educational agencies in the State; and

''(III) award the remaining funds to local educational agencies not receiving an award under subclause (I) or (II), including high poverty and rural local educational agencies that did not receive such an award.

''(ii) HIGH POVERTY LOCAL EDUCATIONAL AGENCIES.—A local educational agency is described in this clause if—

''(I) the percentage described in subparagraph (C)(i) with respect to the agency is 30 percent or greater; or

''(II) the number of children described in such subparagraph with respect to the agency is at least 10,000.

''(C) CRITERIA FOR AWARDING GRANTS.—In awarding competitive grants under this paragraph, a State educational agency or State entity shall take into account the following criteria:

''(i) The percentage of poor children 5 to 17 years of age, inclusive, in a local educational agency.

''(ii) The need of a local educational agency for school repair and renovation, as demonstrated by the condition of its public school facilities.

''(iii) The fiscal capacity of a local educational agency to meet its needs for repair and renovation of public school facilities without assistance under this section, including its ability to raise funds through the use of local bonding capacity and otherwise.

''(iv) In the case of a local educational agency that proposes to fund a repair or renovation project for a charter school or schools, the extent to which the school or schools have access to funding for the

project through the financing methods available to other public schools or local educational agencies in the State.

''(v) The likelihood that the local educational agency will maintain, in good condition, any facility whose repair or renovation is assisted under this section.

''(D) POSSIBLE MATCHING REQUIREMENT.—

''(i) IN GENERAL.—A State educational agency or State entity may require local educational agencies to match funds awarded under this subsection.

''(ii) MATCH AMOUNT.—The amount of a match described in clause (i) may be established by using a sliding scale that takes into account the relative poverty of the population served by the local educational agency.

''(3) RESERVATION FOR COMPETITIVE IDEA OR TECHNOLOGY GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 25 percent of such funds to local educational agencies through competitive grant processes, to be used for the following:

''(i) To carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(ii) For technology activities that are carried out in connection with school repair and renovation, including—

''(I) wiring;

''(II) acquiring hardware and software;

''(III) acquiring connectivity linkages and resources; and

''(IV) acquiring microwave, fiber optics, cable, and satellite transmission equipment.

''(B) CRITERIA FOR AWARDING IDEA GRANTS.—In awarding competitive grants under subparagraph (A) to be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), a State educational agency shall take into account the following criteria:

''(i) The need of a local educational agency for additional funds for a student whose individually allocable cost for expenses related to the Individuals with Disabilities Education Act substantially exceeds the State's average per-pupil expenditure.

''(ii) The need of a local educational agency for additional funds for special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(iii) The need of a local educational agency for additional funds for assistive technology devices (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) or assistive technology services (as so defined) for children being served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(iv) The need of a local educational agency for additional funds for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in order for children with disabilities to make progress toward meeting the performance goals and indicators established by the State under section 612(a)(16) of such Act (20 U.S.C. 1412).

''(C) CRITERIA FOR AWARDING TECHNOLOGY GRANTS.—In awarding competitive grants under subparagraph (A) to be used for technology activities that are carried out in connection with school repair and renovation, a State educational agency shall take into account the need of a local educational agency for additional funds for such activities, including the need for the activities described in subclauses (I) through (IV) of subparagraph (A)(ii).

''(c) RULES APPLICABLE TO SCHOOL REPAIR AND RENOVATION.—With respect to funds made available under this section that are used for school repair and renovation, the following rules shall apply:

''(1) PERMISSIBLE USES OF FUNDS.—School repair and renovation shall be limited to one or more of the following:

''(A) Emergency repairs or renovations to public school facilities only to ensure the health and safety of students and staff, including—

''(i) repairing, replacing, or installing roofs, electrical wiring, plumbing systems, or sewage systems;

''(ii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

''(iii) bringing public schools into compliance with fire and safety codes.

''(B) School facilities modifications necessary to render public school facilities accessible in order to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(C) School facilities modifications necessary to render public school facilities accessible in order to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

''(D) Asbestos abatement or removal from public school facilities.

''(E) Renovation, repair, and acquisition needs related to the building infrastructure of a charter school.

''(2) IMPERMISSIBLE USES OF FUNDS.—No funds received under this section may be used for—

''(A) payment of maintenance costs in connection with any projects constructed in whole or in part with Federal funds provided under this section;

''(B) the construction of new facilities, except for facilities for an impacted local educational agency (as defined in subsection (a)(3)); or

''(C) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

''(3) CHARTER SCHOOLS.—A public charter school that constitutes a local educational agency under State law shall be eligible for assistance under the same terms and conditions as any other local educational agency.

''(4) SUPPLEMENT, NOT SUPPLANT.—Excluding the uses described in subparagraphs (B) and (C) of paragraph (1), a local educational agency shall use Federal funds subject to this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for school repair and renovation.

''(d) SPECIAL RULE.—Each local educational agency that receives funds under this section shall ensure that, if it carries out repair or renovation through a contract, any such contract process ensures the maximum number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition.

''(e) PUBLIC COMMENT.—Each local educational agency receiving funds under paragraph (2) or (3) of subsection (b)—

''(1) shall provide parents, educators, and all other interested members of the community the opportunity to consult on the use of funds received under such paragraph;

''(2) shall provide the public with adequate and efficient notice of the opportunity described in paragraph (1) in a widely read and distributed medium; and

''(3) shall provide the opportunity described in paragraph (1) in accordance with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public.

''(f) REPORTING.—

''(1) LOCAL REPORTING.—Each local educational agency receiving funds under subsection (a)(1)(D) shall submit a report to the State educational agency, at such time as the State educational agency may require, describing the use of such funds for—

''(A) school repair and renovation (and construction, in the case of an impacted local educational agency (as defined in subsection (a)(3)));

''(B) activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); and

''(C) technology activities that are carried out in connection with school repair and renovation, including the activities described in subclauses (I) through (IV) of subsection (b)(3)(A)(ii).

''(2) STATE REPORTING.—Each State educational agency shall submit to the Secretary, not later than December 31 of each year (beginning with 2003), a report on the use of funds received under subsection (a)(1)(D) by local educational agencies for—

''(A) school repair and renovation (and construction, in the case of an impacted local educational agency (as defined in subsection (a)(3)));

''(B) activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); and

''(C) technology activities that are carried out in connection with school repair and renovation, including the activities described in subclauses (I) through (IV) of subsection (b)(3)(A)(ii).

''(3) ADDITIONAL REPORTS.—Each entity receiving funds allocated under subparagraph (A) or (B) of section (a)(1) shall submit to the Secretary, not later than December 31 of each year (beginning with 2003), a report on its uses of funds under this section, in such form and containing such information as the Secretary may require.

''(g) APPLICABILITY OF PART B OF IDEA.—If a local educational agency uses funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), such part (including provisions respecting the participation of private school children), and any other provision of law that applies to such part, shall apply to such use.

''(h) REALLOCATION.—If a State educational agency does not apply for an allocation of funds under subsection (a)(1)(D) for any fiscal year, or does not use its entire allocation for any fiscal year, the Secretary may reallocate the amount of the State educational agency's allocation (or the remainder thereof, as the case may be) to the remaining State educational agencies in accordance with subsection (a)(1)(D).

''(i) PARTICIPATION OF PRIVATE SCHOOLS.—

''(1) IN GENERAL.—Section 4142 shall apply to subsection (b)(2) in the same manner as it applies to activities under subpart 1 of part A of title IV, except that—

''(A) such section shall not apply with respect to the title to any real property renovated or repaired with assistance provided under this section;

''(B) the term 'services' as used in section 4142 with respect to funds under this section shall be provided only to private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40 percent and may include for purposes of subsection (b)(2) only—

''(i) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

''(ii) modifications of school facilities necessary to meet the standards applicable to public schools under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

''(iii) asbestos abatement or removal from school facilities; and

''(C) notwithstanding the requirements of section 4142(b), expenditures for services provided using funds made available under subsection (b)(2) shall be considered equal for purposes of such section if the per-pupil expenditures for services described in subparagraph (B) for students enrolled in private nonprofit elementary and secondary schools that have child poverty rates of at least 40 percent are consistent with the per-pupil expenditures under this section for children enrolled in the public schools in the school district of the local educational agency receiving funds under this section.

''(2) REMAINING FUNDS.—If the expenditure for services described in paragraph (1)(B) is less than the amount calculated under paragraph (1)(C) because of insufficient need for such services, the remainder shall be available to the local educational agency for renovation and repair of public school facilities.

''(3) APPLICATION.—If any provision of this section, or the application thereof, to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the section and the application to other persons or circumstances shall not be affected thereby.

''(j) DEFINITIONS.—For purposes of this section:

''(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given such term in section 4210(1).

''(2) POOR CHILDREN AND CHILD POVERTY.—The terms 'poor children' and 'child poverty' refer to children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available.

''(3) RURAL LOCAL EDUCATIONAL AGENCY.—The term 'rural local educational agency' means a local educational agency that the State determines is located in a rural area using objective data and a commonly employed definition of the term 'rural'.

''(4) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.

''PART B—CREDIT ENHANCEMENT INITIATIVES TO ASSIST CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

''SEC. 9201. PURPOSE.

''The purpose of this part is to provide one-time grants to eligible entities to permit them to demonstrate innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

''SEC. 9202. GRANTS TO ELIGIBLE ENTITIES.

''(a) IN GENERAL.—The Secretary shall use 100 percent of the amount available to carry out this part to award not less than three grants to eligible entities having applications approved under this part to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

''(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted, and shall make a determination of which are sufficient to merit approval and which are not. The Secretary shall award at least one grant to an eligible entity described in section 9210(2)(A), at least one grant to an eligible entity described in section 9210(2)(B), and at least one grant to an eligible entity described in section 9210(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under this part shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

''(d) SPECIAL RULE.—In the event the Secretary determines that the funds available are insufficient to permit the Secretary to award not less than three grants in accordance with subsections (a) through (c), such three-grant minimum and the second sentence of subsection (b) shall not apply, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).

''SEC. 9203. APPLICATIONS.

''(a) IN GENERAL.—To receive a grant under this part, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

''(b) CONTENTS.—An application under subsection (a) shall contain—

''(1) a statement identifying the activities proposed to be undertaken with funds received under this part, including how the applicant will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

''(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

''(3) a description of the applicant's expertise in capital market financing;

''(4) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools;

''(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

''(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding they need to have adequate facilities; and

''(7) such other information as the Secretary may reasonably require.

''SEC. 9204. CHARTER SCHOOL OBJECTIVES.

''An eligible entity receiving a grant under this part shall use the funds deposited in the reserve account established under section 9205(a) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

''(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

''(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

''SEC. 9205. RESERVE ACCOUNT.

''(a) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in section 9204, an eligible entity receiving a grant under this part shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this part (other than funds used for administrative costs in accordance with section 9206) in a reserve account established and maintained by the entity for this purpose. Amounts deposited in such account shall be used by the entity for one or more of the following purposes:

''(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 9204.

''(2) Guaranteeing and insuring leases of personal and real property for an objective described in section 9204.

''(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

''(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

''(b) INVESTMENT.—Funds received under this part and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(c) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this part shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.

''SEC. 9206. LIMITATION ON ADMINISTRATIVE COSTS.

''An eligible entity may use not more than 0.25 percent of the funds received under this part for the administrative costs of carrying out its responsibilities under this part.

''SEC. 9207. AUDITS AND REPORTS.

''(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this part shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(b) REPORTS.—

''(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this part annually shall submit to the Secretary a report of its operations and activities under this part.

''(2) CONTENTS.—Each such annual report shall include—

''(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

''(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

''(C) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this part in leveraging private funds;

''(D) a listing and description of the charter schools served during the reporting period;

''(E) a description of the activities carried out by the eligible entity to assist charter

schools in meeting the objectives set forth in section 9204; and

''(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this part during the reporting period.

''(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to the Congress on the activities conducted under this part.

''SEC. 9208. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

''No financial obligation of an eligible entity entered into pursuant to this part (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this part.

''SEC. 9209. RECOVERY OF FUNDS.

''(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(1) all of the funds in a reserve account established by an eligible entity under section 9205(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this part, that the entity has failed to make substantial progress in carrying out the purposes described in section 9205(a); or

''(2) all or a portion of the funds in a reserve account established by an eligible entity under section 9205(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 9205(a).

''(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in section 9205(a).

''(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

''(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

''SEC. 9210. DEFINITIONS.

''In this part:

''(1) The term 'charter school' has the meaning given such term in section 4210(1).

''(2) The term 'eligible entity' means—

''(A) a public entity, such as a State or local governmental entity;

''(B) a private nonprofit entity; or

''(C) a consortium of entities described in subparagraphs (A) and (B).''.

Mr. BOEHNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes in support of his motion to recommit.

Mr. OWENS. Mr. Speaker, this motion to recommit adds a vital component that has been left out of our deliberations so far. We were not allowed to offer an amendment on the floor dealing with school construction, renovation or modernization, and this motion to recommit includes instructions to continue the school renovation program, which is now in its first year, and increase that funding to $2 billion.

My colleagues will recall that last year we did agree on a $1.2 billion school repair, renovation bill. We would like to at least raise that to $2 billion. It is a small amount compared to the need. We know that in 1994, the General Accounting Office said we needed $110 billion at that time for school renovation, construction, and repairs. The NEA did a survey last year which said we need about $320 billion for school construction, repair, and renovation across the whole Nation. The $2 billion was merely to make a beginning on emergency repairs and is still very important.

It is important we say to the children in the public schools of America, 53 million children, that we care about more than just testing them. Accountability means more than accountability of the students and school and the massive testing we have proposed. Accountability also means we will stand up and make certain that those tools that they need to work with are there, especially the infrastructure, the facilities.

In a religion we would never propose to proceed without the temple, the infrastructure, the physical building being in tip-top shape to begin with. We cannot propose to have decent education if we are going to neglect the actual infrastructure, the buildings and the facilities, that children are to receive their education in.

So this is a modest proposal, a mere $1.2 billion at this time. We want to raise that to $2 billion to take care of emergency repairs and renovations, and we ought to continue this. I hope every Member will vote for this.

Mr. HOLT. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding to me. America's schools are in a State of disrepair, and that is interfering with the education of today's students. On average, schools were built about 50 years ago to meet the oncoming demand of the baby boom generation, and they are now in disrepair.

The General Accounting Office reports that now one-third of our public schools are in need of extensive repair or replacement. Nearly 60 percent of schools need new roofs, walls, plumbing and heating systems or electric and power systems. Over half pose environmental concerns, such as poor ventilation, flaking paint, crumbling plaster, and nonfunctioning toilets.

Leave no child behind; is that the phrase the President has appropriated for his use? How can we expect to reform education and improve student achievement when so many schools are crumbling? Why do we keep ignoring this growing problem? We cannot relegate it to the back burner. We must ensure that our schools are safe and modern and that we have modern technology.

Too often I hear the argument this is a problem for the local school districts to handle.

□ 1830

Mr. Speaker, too often I hear the argument that this is a problem for the local school districts to handle. However, local school districts cannot handle this problem alone. Property tax payers are beleaguered by the costs of a growing student population. The repairs are just too expensive. According to the GAO, the cost of needed repairs is on order of $127 billion.

Mr. Speaker, with this motion to recommit, we are asking for merely a fraction of that amount, $2 billion to help our schools most in need. This will not kill the bill. That is not our intent.

Mr. Speaker, I am a strong supporter of the bill and intend to vote for final passage; but, I urge my colleagues to support this very important motion to recommit so we can deal with this pressing national problem.

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

Mr. BOEHNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Ohio is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, with all due respect to the gentleman from New York (Mr. OWENS) and the gentleman from New Jersey (Mr. HOLT), I think that a motion to recommit that would bring an additional $2 billion worth of authorization to this bill, a 10 percent increase over the current level in the bill, is unwise.

Mr. Speaker, when we talk about school construction and the need for school buildings in America, the gentleman from New Jersey and the gentleman from New York could be no more right. There is a great need. But we all know that school construction has been a province of State and local governments since our inception.

As a matter of fact, State governments over the last 10 years or so have increased funding for school construction by some 39 percent, and today every State has a huge budget surplus.

In my own State, Ohio, from a State standpoint, never got involved in school construction until the last several years, and the State has been helping low-income districts in my State to provide this.

But I do not think that at this point in time we ought to do this. Here is one big reason: All of the programs that we have agreed to and the funding levels that we have agreed to in the base bill are there. If we expect to work with our appropriators to get most of those authorizations funded, the last thing

we want to do is to open it up for more disparate funding.

We have a serious education proposal on the floor which has been put together on a bipartisan basis. Let us reserve the precious funds that we can get out of the appropriation process to fund that program to ensure that it works. Where does that money go? It goes to low-income schools and high-poverty students who need this money the most.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. ISAKSON) who has worked on this proposal in the past.

Mr. ISAKSON. Mr. Speaker, as we are poised to make a substantial improvement in public education, let us not end by making a hollow promise to public education.

The gentlemen are correct that their proposal represents but a fraction, and I mean a fraction, of the need.

But if the Congress of the United States ever sent the message to the public we will take care of that construction, we will do more damage to public education. Voters will not pass bond referendums. Local options, sale taxes will not be passed, and the capital investments will not be made by the local schools.

Let us leave no child behind. Let us make sure that the poorest and the most disadvantaged have the advantage of this bill. Let us reject the motion to recommit. Instead of making this hollow promise, let us make a promise to the children of America and improve their education forever. I urge my colleagues to vote ''no'' on the motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 223, not voting 3, as follows:

[Roll No. 144]

AYES—207

Abercrombie	Borski	Coyne
Ackerman	Boswell	Cramer
Allen	Boucher	Crowley
Andrews	Boyd	Cummings
Baca	Brady (PA)	Davis (CA)
Baird	Brown (FL)	Davis (FL)
Baldacci	Brown (OH)	Davis (IL)
Baldwin	Capps	DeFazio
Barcia	Capuano	DeGette
Barrett	Cardin	Delahunt
Becerra	Carson (IN)	DeLauro
Bentsen	Carson (OK)	Deutsch
Berkley	Clay	Dicks
Berman	Clayton	Dingell
Berry	Clement	Doggett
Bishop	Clyburn	Dooley
Blagojevich	Condit	Doyle
Blumenauer	Conyers	Edwards
Bonior	Costello	Engel
Eshoo	Lee	Rahall
Etheridge	Levin	Rangel
Evans	Lewis (GA)	Reyes
Farr	Lipinski	Rivers
Fattah	Lofgren	Rodriguez
Filner	Lowey	Roemer
Ford	Lucas (KY)	Ross
Frank	Luther	Rothman
Frost	Maloney (CT)	Roybal-Allard
Gephardt	Maloney (NY)	Rush
Gonzalez	Markey	Sanchez
Gordon	Mascara	Sanders
Green (TX)	Matheson	Sandlin
Gutierrez	Matsui	Sawyer
Hall (OH)	McCarthy (MO)	Schakowsky
Harman	McCarthy (NY)	Schiff
Hastings (FL)	McCollum	Scott
Hill	McDermott	Serrano
Hilliard	McGovern	Sherman
Hinchey	McIntyre	Shows
Hinojosa	McKinney	Skelton
Hoeffel	McNulty	Slaughter
Holden	Meehan	Smith (WA)
Holt	Meek (FL)	Snyder
Honda	Meeks (NY)	Solis
Hooley	Menendez	Spratt
Hoyer	Millender-McDonald	Stark
Inslee	Miller, George	Stenholm
Israel	Mink	Strickland
Jackson (IL)	Mollohan	Stupak
Jackson-Lee (TX)	Moore	Tanner
Jefferson	Moran (VA)	Tauscher
John	Morella	Thompson (CA)
Johnson (CT)	Murtha	Thompson (MS)
Johnson, E. B.	Nadler	Thurman
Jones (OH)	Napolitano	Tierney
Kanjorski	Neal	Towns
Kaptur	Oberstar	Traficant
Kennedy (RI)	Obey	Turner
Kildee	Olver	Udall (CO)
Kilpatrick	Ortiz	Udall (NM)
Kind (WI)	Owens	Velazquez
Kleczka	Pallone	Waters
Kucinich	Pascrell	Watt (NC)
LaFalce	Pastor	Waxman
Lampson	Payne	Weiner
Langevin	Pelosi	Wexler
Lantos	Phelps	Woolsey
Larsen (WA)	Pomeroy	Wu
Larson (CT)	Price (NC)	Wynn

NOES—223

Aderholt	DeMint	Horn
Akin	Diaz-Balart	Hostettler
Armey	Doolittle	Houghton
Bachus	Dreier	Hulshof
Baker	Duncan	Hunter
Ballenger	Dunn	Hutchinson
Barr	Ehlers	Hyde
Bartlett	Ehrlich	Isakson
Barton	Emerson	Issa
Bass	English	Istook
Bereuter	Everett	Jenkins
Biggert	Ferguson	Johnson (IL)
Bilirakis	Flake	Johnson, Sam
Blunt	Fletcher	Jones (NC)
Boehlert	Foley	Keller
Boehner	Fossella	Kelly
Bonilla	Frelinghuysen	Kennedy (MN)
Bono	Gallegly	Kerns
Brady (TX)	Ganske	King (NY)
Brown (SC)	Gekas	Kingston
Bryant	Gibbons	Kirk
Burr	Gilchrest	Knollenberg
Burton	Gillmor	Kolbe
Buyer	Gilman	LaHood
Callahan	Goode	Largent
Calvert	Goodlatte	Latham
Camp	Goss	LaTourette
Cannon	Graham	Leach
Cantor	Granger	Lewis (CA)
Capito	Graves	Lewis (KY)
Castle	Green (WI)	Linder
Chabot	Greenwood	LoBiondo
Chambliss	Grucci	Lucas (OK)
Coble	Gutknecht	Manzullo
Collins	Hall (TX)	McCrery
Combest	Hansen	McHugh
Cooksey	Hart	McInnis
Cox	Hastert	McKeon
Crane	Hastings (WA)	Mica
Crenshaw	Hayes	Miller (FL)
Culberson	Hayworth	Miller, Gary
Cunningham	Hefley	Moran (KS)
Davis, Jo Ann	Herger	Myrick
Davis, Tom	Hilleary	Nethercutt
Deal	Hobson	Ney
DeLay	Hoekstra	Northup
Norwood	Roukema	Tancredo
Nussle	Royce	Tauzin
Osborne	Ryan (WI)	Taylor (MS)
Ose	Ryun (KS)	Taylor (NC)
Otter	Sabo	Terry
Oxley	Saxton	Thomas
Paul	Scarborough	Thornberry
Pence	Schaffer	Thune
Peterson (MN)	Schrock	Tiahrt
Peterson (PA)	Sensenbrenner	Tiberi
Petri	Sessions	Toomey
Pickering	Shadegg	Upton
Pitts	Shaw	Vitter
Platts	Shays	Walden
Pombo	Sherwood	Walsh
Portman	Shimkus	Wamp
Pryce (OH)	Shuster	Watkins
Putnam	Simmons	Watts (OK)
Quinn	Simpson	Weldon (FL)
Radanovich	Skeen	Weldon (PA)
Ramstad	Smith (MI)	Weller
Regula	Smith (NJ)	Whitfield
Rehberg	Smith (TX)	Wicker
Reynolds	Souder	Wilson
Riley	Spence	Wolf
Rogers (KY)	Stearns	Young (AK)
Rogers (MI)	Stump	Young (FL)
Rohrabacher	Sununu	
Ros-Lehtinen	Sweeney	

NOT VOTING—3

Cubin	Moakley	Visclosky

□ 1852

Messrs. PETERSON of Minnesota, RADANOVICH, GILMAN and SCHAFFER changed their vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERMISSION FOR CHAIRMAN AND RANKING MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE TO ADDRESS THE HOUSE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that it be in order for the Chair to recognize myself and the gentleman from California (Mr. GEORGE MILLER) to address the House each for 5 minutes.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to begin by thanking everybody in the House for their patience as we deliberated this bill. I also want to begin by thanking staffs on both sides of the aisle for all of their very difficult and hard work. We have spent 2 days deliberating this bill on the floor. The staff of this committee has spent 4 months, along with members of the working group on both sides of the aisle.

I want to thank the Members of the working group on our side of the aisle, the gentleman from Michigan (Mr. KILDEE), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Indiana (Mr. ROEMER), for all of their help on this and on the other side, the gentleman from California (Mr. MCKEON) and the gentleman from Georgia (Mr. ISAKSON), the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Delaware (Mr. CASTLE) for all of their effort to bring the Members together to talk about whether or not

there was a possibility of getting the legislation that, in fact, would reflect what many Members in this House have said they wanted for our education system, for the Federal participation in our education system, for many years, but we have not achieved.

Some 35 years ago, we set out to see whether or not the Federal Government could help the poorer children in this Nation residing in the poorer school districts in this Nation. We have spent $120 billion, and in many instances we have changed the lives of those children and their education, but we have not achieved all that we have wanted to achieve. We have made a difference in many ways, but we have also had our disappointments.

This effort and this legislation is an effort to do it in a different fashion, to hold schools more accountable; and I do not mean accountable just in the sense of testing or just in the sense of money, but accountable for results. We are no longer going to ask schools how is the average child doing in their district. In this legislation, we are going to ask how each and every child in that district is doing, how is each Hispanic child, every African American child, every rich child, poor child, limited English-proficient child, how are they doing.

We are also going to ask them whether or not the gap is being closed that exists today in education between the majority and minority in America.

That question has not been asked. We have put out the money there to get the results, but we never asked them whether or not it was taking place; and in fact, the gap to some extent has widened.

We also said we are going to hold them accountable because we are going to ask for annual testing and annual assessment, a diagnostic effort so if a child is falling behind in second or third grade in reading we know the resources that we can attach that that child needs. Do they need a Saturday school? Do they need after-school? Do they need a mentor? Do they need a tutor? So that, in fact, children do not fall behind.

Many on my side of the aisle said that is all well and good and we have always been for that; but if we do not have the resources, we cannot obtain it. So we also made a commitment in this legislation, through a very lot of hard and very difficult negotiations, that, in fact, the resources would be there; that the resources would be there to fix the failing schools and not abandon them; the resources would be there to help align the test to the curriculum and improve many of the tests in States today that are not acceptable to challenge our children; to improve the curriculum. Those are the efforts we would make, and we just reconfirmed those figures on this floor on a huge bipartisan vote of 324 in support of those resources being there. That is a commitment to this legislation. We are not going to try to reform this system on the cheap.

Some on this side of the aisle said we have to have more flexibility, we have to have Straight A's down to the States. We thought, why would we give money to the States? Why can it not go locally? I could not work it out, probably because I am very much against that kind of effort. But the gentleman from Indiana (Mr. ROEMER), the gentleman from California (Mr. DOOLEY), the gentleman from Delaware (Mr. CASTLE), the gentleman from Georgia (Mr. ISAKSON) and others got together and the staffs got together; and they hammered out something that I think is superior.

We said, fine, we will give local districts flexibility, and we have increased the flexibility ten times what it is in current law so that they can set some priorities about whether they want to train the teachers first to become proficient in computers and then buy the computers, or whether they want to buy the computers and then train the teachers. That is their decision. They can combine these monies based upon their local needs and priorities. Ten times the flexibility that we have ever experienced in Federal law.

I think it is an experiment, and we will see. Other people are very confident about it. Anyway, that is what a compromise is. That is what a compromise is.

□ 1900

There are some places we could not go. Clearly, this caucus was not going to go for vouchers and it was not going to go straight As, and we did not go there. But we have tried to provide alternatives and responses to that. We have said that if a school is failing, a parent can, in fact, go out and purchase, purchase those services to tutor a child, to provide the kind of remedial help that may be necessary, and they go out in the community and get those services from private vendors. That is an important change. It is a very important change, especially when we see what technology is bringing to bear for the educational problems of our children, the technology that the private sector is developing. We have to call those resources in and make them available to the parents, and that is what this legislation does.

If I just might, Mr. Speaker, if I just might add that I think this is legislation that does very well by America's children. It is not everything I would do, it is not a bill I would write and it is certainly not a bill that the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee would write, but it is a bill that we were capable of writing, trying to keep in mind what all of us have said when we go home to our districts.

We are not all going to be happy and we have a long way to go before the end of this road. But I think this is a very good beginning for a House of Representatives as a statement of where we should be on education.

Finally, I want to thank the gentleman from Ohio (Mr. BOEHNER), our chairman, who provided exceptional leadership. He acted with honor. His word was his bond and he opened up lines of communication that we have not had available to us before. I want to say how much I appreciate that and I thank him very much for that effort.

Mr. Speaker, I encourage all of my colleagues to support this bill.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Ohio (Mr. BOEHNER) is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, I thank my colleagues for their patience as we have gone through what really has been, I think, an extraordinary process. It all started last December when our new President-elect invited a bipartisan, bicameral group of Members to Austin, Texas to talk about his desire for dealing with the issue of education in an honorable, up-front and positive way. It was a step that many of my colleagues on our side of the aisle were somewhat uncomfortable with, a step that many of my colleagues on the other side were uncomfortable with as well. But the President laid out his agenda in great detail, and the Members of the House and the Senate that were there all had their opportunity to put their fingerprints on how this path was going to be started, and they did it in Austin, Texas.

Mr. Speaker, the gentleman from California (Mr. GEORGE MILLER) was not on the list to be invited, but he ended up on the list at my insistence, because if the President was serious about having a new tone in Washington and if the President was serious about working together in a bipartisan way, it was right for the President to invite the gentleman from California (Mr. GEORGE MILLER) to Austin, Texas, and he did. And after the President spoke, all of the Members spoke, and the gentleman from California (Mr. GEORGE MILLER) was the last person to speak. The gentleman stood up and said, Mr. President, I think you are serious about helping underprivileged children in America. And if you are serious about helping underprivileged children in America, and you are willing to stand up and fight for accountability, I am going to be standing right there with you, and he has, each and every step along the way, and I want to say to the gentleman from California, ''thank you.''

Now, as the gentleman from California (Mr. GEORGE MILLER) pointed out, there were people who helped, there were a lot of people who helped. The gentleman from Delaware (Mr. CASTLE); the gentleman from California (Mr. MCKEON), the subcommittee chairman; the gentleman from Georgia (Mr. ISAKSON); and even the gentleman from Colorado (Mr. SCHAFFER), my good friend, who is hiding way in the back, were Members on our side who sat in rooms for months, as well as the gentleman from Michigan (Mr. KILDEE) and the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Indiana (Mr. ROEMER), and

all of our staffs who have done a very good job. I really do want to thank them for all of what they have done.

Mr. Speaker, we stand here at this moment on the threshold of the most significant change in Federal education policy in 35 years. We all know the money that we have spent, we all know the results that we have gotten, but we have a problem in America, and every one of us knows it; every one of us. We have an achievement gap that exists between Anglo students and their minority peers that has widened over the last 10 years, while we have had the best economy in the history of our country.

We have a growing achievement gap that exists between middle income and upper income schools than our minority and lower income schools. Good schools have gotten better over the last 10 years. Middle income schools have gotten better over the last 10 years. Our worst schools, unfortunately, have gotten worse.

We as a society cannot turn a blind eye to this problem. The President has made it perfectly clear over the last 4 months that we have to act. So, we have acted, and we have done it in a way that we can work together on both sides of the aisle to address all of the Members' concerns. This truly is a bipartisan bill. There are issues that my Democrat colleagues do not like in this bill, I know that, and I can tell my colleagues that there are problems with my guys on this side of the aisle, and I can show my colleagues the wounds of my back to prove it. But bipartisanship means working together for the benefit of the whole, and I can tell my colleagues that the bill that we have before us today is a solid achievement for this House. It is a solid achievement that will improve the lives of the neediest children in our country.

Those who are at the bottom of the economic ladder who today are not getting a good education in our society will suffer if we do not step up and have the courage, the courage to take this step, and that is really what this bill today is all about. Do we have the courage as conservative Republicans to stand up and take a step in the direction that some of us are a bit uncomfortable with? And, to my colleagues on the other side of the aisle, do they have the courage to stand up today and to take a step toward bipartisanship, toward an effort that truly will help the neediest students in our country.

I have talked to virtually all of my colleagues over the last several months about this bill. Everyone has had their opportunity for input. Yes, some are disappointed. But I think each and every one of my colleagues know that unless we exhibit courage today, that this will not happen. We need it to happen. We need to exhibit the courage and show the American people that we can work together to solve the problems that we have in this country. Remember, when we vote today, this is not about the House, and it is not about this bill, it is about the neediest children in America who are counting on us today.

Mr. SCHAFFER. Mr. Chairman, I submit for the RECORD ''An Evaluation of the Florida A-Plus Accountability and School Choice Program. The report was prepared by Jay P. Greene, Ph.D., Senior Fellow, The Manhattan Institute for Policy Research and research associate, Program on Education Policy and Governance, Harvard University.

ABOUT THE AUTHOR

Jay P. Greene is a senior fellow at the Manhattan Institute for Policy Research and a research associate at Harvard University's Program on Education Policy and Governance (PEPG). He has conducted evaluations of school choice program in Milwaukee, Cleveland, Charlotte, and San Antonio. He has also investigated the effects of school choice on civic values and integration. His publications include the chapters, ''Civic Values in Public and Private Schools,'' and ''School Choice in Milwaukee: A Randomized Experiment,'' in the book, Learning from School Choice, published by the Brooking Institution in 1998; ''The Effect of Private Education on Political Participation, Social Capital, and Tolerance,'' in the Fall 1999 issued of The Georgetown Public Policy Review; and ''The Texas School Miracle Is for Real,'' in the Summer 2000 issue of City Journal. He has been a professor of government at the University of Texas at Austin and the University of Houston. He received his Ph.D. from the Government Department at Harvard University in 1995. Dr. Greene lives with his family in Weston, Florida.

AUTHOR'S ACKNOWLEDGEMENTS

This report was prepared under contract with Florida State University as part of a grant from the Florida Department of Education to evaluate the A-Plus Program. Additional support was provided by Harvard University's Program on Education Policy and Governance (PEPG). Professors Richard Feiock and Tom Dye of Florida State University and Professor Paul Peterson, Director, PEPG, Harvard University, served as principal investigators on this project. Rob Fusco and Tom Dye provided valuable research assistance.

EXECUTIVE SUMMARY

By offering vouchers to students at failing schools, the Florida A-Plus choice and accountability system was intended to motivate those schools to improve their academic performance. Under this plan, each public school in Florida is assigned a grade, A through F, based on the proportion of its students passing the Florida Comprehensive Assessment Test (FCAT). Students attending schools that receive two ''F'' grades in four years are eligible to receive vouchers that enable them to attend private schools or to transfer to another public school.

This report examines whether schools that faced the prospect of having vouchers offered to their students experienced larger improvements in their FCAT scores than other schools.

The results show that schools receiving a failing grade from the state in 1999 and whose students would have been offered tuition vouchers if they failed a second time achieved test score gains more than twice as large as those achieved by other schools. While schools with lower previous FCAT scores across all state-assigned grades improved their test scores, schools with failing grades that faced the prospect of vouchers exhibited especially large gains.

The report also establishes that the FCAT math and reading results are highly correlated with the results from a nationally recognized standardized test, the Stanford 9, which suggests that the FCAT is a reliable measure of student performance.

This report shows that the performance of students on academic tests improves when public schools are faced with the prospect that their students will receive vouchers. These results are particularly relevant because of the similarities between the Florida A-Plus choice and accountability system and the education initiatives proposed by President George W. Bush.

The Purpose of the Study

The Florida A-Plus Program is a school accountability system with teeth. Schools that receive two failing grades from the state during a four-year period have vouchers offered to their students so that those students can choose to leave for a different public or private school. The theory behind such a system is that schools in danger of failing will improve their academic performance to avoid the political embarrassment and potential loss in revenues from having their students depart with tuition vouchers.

Whether the theory behind the A-Plus Program is supported by evidence is the issue addressed in this evaluation. While it is plausible that the incentives provided by an accountability system with teeth should be an impetus for reform, it is also plausible that the A-Plus system would not produce meaningful academic improvement. Perhaps schools would develop strategies for improving the grade they received from the state without actually improving the academic performance of students. Perhaps schools would not have the resources of policy flexibility to adopt necessary reforms even if they had the incentives to do so. Perhaps the incentives of the accountability system interact with the incentives of schools politics to produce unintended outcomes. In short, whether the A-Plus system is successful in improving student achievement is a matter that cannot be resolved without reference to evidence.

The evidence presented in this report suggests that the A-Plus Program has been successful at motivating failing schools to improve their academic performance. In addition, the evidence presented in this report suggests that we should have confidence that the improvement in academic achievements is a real improvement and not merely a manipulation of the state's testing and grading system.

A Brief Description of the A-Plus Program

The Florida A-Plus Program assigns each public school a grade based on the performance of its students on the Florida Comprehensive Assessment Tests (FCAT) in reading, math, and writing. Reading and writing FCATs are administered in 4th, 8th, and 10th grades, while the math FCAT is administered in 5th, 8th, and 10th grades. The scale score results from these tests are divided into five categories. The grade that each school receives is determined by the percentage of students scoring above the thresholds established by these five categories or levels. If a school receives two F grades in a four-year period, its students are offered vouchers that they can use to attend a private school. They are also offered the opportunity to attend a better-performing public school.

The FCAT was first administered in the spring of 1998. Following the second administration of the exam in 1999, only two schools in the state had received two failing grades. Both of those schools, located in Escambia County, had vouchers offered to their students. Nearly 50 students and their families from those two schools chose to attend one of a handful of nearby private schools, most of which were religiously affiliated. When

the FCAT was administered in 2000, no additional schools had their students offered tuition vouchers because none had failed for a second time.

Additional information on the FCAT and A-Plus Program can be found at the Florida Department of Education's FCAT web site at http://www.firn.edu/doe/sas/fcathome.htm or its home page at http://www.firn.edu/doe/.

Other Research on Voucher and Accountability Systems

Many states have testing and accountability systems. Some, such as the New York Regents Exam, date back many years. Others, such as the Michigan Educational Assessment Program, are relatively new. States also vary in the difficulty of the tests they administer, the grades to which tests are administered, whether passage is required for promotion or graduation, and whether sanctions or rewards are attached to student and/or school performance.

Despite the increasing prominence of testing and accountability systems as a tool for education reform, the effectiveness of those systems has been the subject of limited systematic research. Additional research in this area is particularly important given the centrality of accountability systems in many state and federal education reform proposals. The attractiveness of such proposals would be increased if stronger empirical evidence were produced to show that widespread testing and grading of schools provided incentives to schools to improve their performance. Evidence on the effects of using vouchers as a sanction for chronically failing schools would speak to whether accountability systems are likely to be more effective at inspiring improvement if vouchers were part of the program. On the other hand, evidence that widespread accountability testing produced results that were subject to manipulation or failed to inspire improvement would argue against the adoption of such policies. And if the evidence failed to show special gains produced by the prospect of vouchers at failing schools then a voucher component of the policy would be less desirable.

The greatest amount of research attention has been devoted to evaluations of the accountability system in Texas. The Texas Assessment of Academic Skills (TAAS) has been in existence for a decade and is the most comprehensive of the state testing systems. Students in Texas are tested in 3rd through 8th grades in math and reading. In addition, passage of an exam that is first offered in 10th grade is required for graduation. The state is also phasing-in requirements that students pass exams in order to be promoted to the next grade.

The extensiveness of TAAS, its centrality in education policy in Texas, and the fact that the governor was a candidate for president attracted considerable attention to the program. Linda McNeil and Angela Valenzuela of Rice University and the University of Texas, respectively, issued a report with a series of theoretical and anecdotal criticisms of TAAS, but presented no systematic data on the educational effectiveness of the program.[1] Walter Haney of Boston College has written about the relationship between TAAS and minority dropout rates, but again has not systematically evaluated the effect of TAAS on educational achievement.[2]

The most systematic research on TAAs has appeared in two, somewhat contradictory, reports from the Rand Corporation. The first report, with David Grissmer as its chief author, was released in July of 2000.[3] It analyzed scores from the National Assessment of Educational Progress (NAEP), a test administered by the U.S. Department of Education, to identify state policies that may contribute to higher academic performance. It found that states like Texas and North Carolina, with extensive accountability systems, had among the highest and most improved NAEP scores after controlling for demographic factors. The report featured a lengthy comparison of student performance in California and Texas to highlight the importance of TAAS in improving academic achievement, as measured by the NAEP.

The second report, with Stephen Klein as its chief author, was released in October of 2000. It cast doubt upon the validity of TAAS scores by suggesting that the results do not correlate with the test results of other standardized tests Because the other standardized tests are ''low stakes tests,'' without any reward or punishment attached to student or school performance, there are few incentives to manipulate the results or cheat. It is therefore reasonable to assume that the low stakes test results are likely to be a reliable indication of student performance.[4] Schools and students, however, might have incentives and opportunities to manipulate the results of high stakes tests, like the TAAS. Because Klein finds that the results of the TAAS do not correlate very well with the results of the low stakes standardized tests, he and his colleagues suggest that the TAAS scores do not represent the true academic performance of students.

Klein, however, cannot rule out alternative explanations for the weak correlation between TAAS results and the results of low stakes standardized tests. It is possible that the TAAS, which is based on the mandated Texas curriculum, tests different skills than those tested by the national, standardized tests. Both could produce valid results and be weakly correlated to each other if they are testing different things. It is also possible that the pool of standardized tests available to Klein is not representative of Texas as a whole. The standardized test results that were compared to TAAS results were only from 2,000 non-randomly selected 5th grade students from one part of Texas. If this limited group of students were not representative of all Texas students, then it would be inaccurate to draw any conclusions about TAAS as a whole.

In addition to comparing TAAS and standardized test results, Klein and his colleagues also analyzed NAEP results in Texas. Contrary to the findings of Grissmer and his colleagues whose Rand report was only released a few months earlier, Klein concluded that the NAEP performance in Texas was not exceptionally strong. This finding contradicted Grissmer's finding that strong NAEP performance in Texas confirmed the benefits of a high stakes testing system, like TAAS.[5]

A third examination of NAEP scores in Texas published in City Journal supports Grissmer's claim and refutes Klein's by finding that NAEP improvements were exceptionally strong in Texas while the TAAS accountability system was in place.[6] The fact that these studies differ while all examining NAEP and TAAS results can be explained by the different time periods examined, the grade levels that are compared, and the presence or absence of controls for student demographics. Without discussing these issues at length, it is sufficient to say that there is some ambiguity regarding any conclusions that can be drawn from a comparison of NAEP and TAAS results. This ambiguity is created in part by the fact that the NAEP is administered infrequently and in only certain grade levels.

In addition to ambiguous research results, our expectations for A–Plus based on the experience of TAAS are further limited by the fact that the two accountability systems differ in one very important respect. The A–Plus Program is unique in that it uses vouchers as the potential sanction for low-performing schools, while the accountability systems in Texas, North Carolina, and elsewhere at most threaten schools with embarrassment or reorganization as the sanction for low performance. The incentives for schools to improve when faced with embarrassment or reorganization may not be the same as the incentives produced by the prospect of vouchers.

We could try to look at recent research on school choice to learn more about whether the prospect of vouchers motivates schools to improve. Unfortunately, while there have been several high-quality studies on the effects of vouchers on the recipients of those vouchers, there has been relatively little research on whether school choice provides the proper incentives to improve academic achievement in an entire educational system.[7] Recent work by Caroline Minter-Hoxby and by the Manhattan Institute attempt to address whether vouchers would improve academic achievement in the education system as a whole by examining variation in the amount of choice and competition currently available in the United States.[8] Some states and metro areas have more school districts, more charter schools, and other types of choice than others. The findings of both studies suggest that areas with more choice and competition experience better academic outcomes than areas with less choice and competition. While these results support the contention that voucher systems would improve the quality of education for the entire educational system, they are not definitive because they involve argument by analogy. It is possible that competition and choice that currently exist contribute to academic achievement while expanding choice and competition would not have similar benefits. A more direct examination of the effects of expanding choice and competition would address the question more definitively.

The Design of the Current Study

The Florida A-Plus Program offers a unique opportunity to researchers to examine the effects of an accountability system as well as the effects of expanding choice and competition. Because the A-Plus Program involves a system of testing with sanctions for failure, we can examine whether such a program motivates schools to improve. And because the sanction that is applied is the prospect of offering choice to families and competition to public schools, we can examine whether the prospect of choice and competition are effective motivators.

To address these issues we will conduct two types of analyses. First, we will want to determine whether the test that is used to determine school grades in the A-Plus accountability system is a valid test of student performance. Given the concerns raised by the Klein study regarding the validity of the TAAS in Texas, we will examine the validity of the Florida Comprehensive Assessment Test (FCAT) using the same analytical technique used by Klein. That is, we will identify the correlation between FCAT results and the results of low stakes standardized tests administered around the same time in the same grade.[9]

During the spring of 2000, Florida schools administered both the FCAT and a version of the Stanford 9, which is a widely used and respected nationally normed standardized test. Performance on the FCAT determined a school's grade from the state and therefore determined whether students would receive vouchers. Performance on the Stanford 9 (or the FCAT Norm Referenced Test as the state refers to it) carried with it no similar consequences. It is therefore reasonable to assume that schools and students had little

reason to manipulate or cheat on the Stanford 9. If the results of the Stanford 9 correlate with the results of the FCAT, then we should have confidence that the FCAT is a valid measure of academic achievement. If the two tests do not correlate, one possible explanation for the low correlation would be that the FCAT results were manipulated so that they were no longer valid measures of student performance. Confirming the validity of the FCAT is important for ruling out the concerns raised by Klein and others before proceeding with other analyses.

Second, we will examine whether the prospect of having to compete to retain students who are given vouchers inspires schools to improve their performance. We would expect that the schools that had already received one F grade from the state and whose students would become eligible for vouchers if they received a second F to make the greatest efforts to improve their academic achievement. That is, if the prospect of choice and competition motivates schools to improve, then the schools that are in the greatest danger of having their students receive vouchers should experience greater test-score improvement than schools for which that prospect is not so imminent.

To test this proposition we examine the average FCAT scale score improvements for schools broken out by the grade they received the year before. If the A-Plus Program is effective, schools that had previously received an F should experience greater gains on the FCAT than schools that had previously received higher grades.

In short, the design of this study is to verify the validity of the FCAT results and then to determine whether those schools that most imminently face the prospect of having to compete to retain their students who have been offered vouchers experience the greatest gains in their FCAT scores.

Data Examined

The FCAT results examined were from the spring of 1999 and spring of 2000. The Stanford 9 results were from the spring of 2000. The Stanford 9 was not administered statewide in 1999. All test results were obtained from the Florida Department of Education.[10] The FCAT was administered in 4th, 5th, 8th, and 10th grades, but not in all subjects. The Stanford 9 (or FCAT NRT, as it is described on the web site) was administered in 3rd through 10th grades, but the reading results from 10th grade were discarded because the state determined that there was a difficulty with their design. Because both kinds of tests were not available in all subjects in all grades, our analyses are confined to those grades and subjects for which results were available.

The Results of Correlating FCAT and Stanford 9 Results

It appears as if the FCAT results are valid measures of student achievement. Schools with the highest scores on the FCAT also have the highest scores on the Stanford 9 tests that were administered around the same time in the spring of 2000. It is also the case that schools with the lowest FCAT scores also tended to have the lowest Stanford 9 scores. We can know this because the school level results from both tests are highly correlated with each other.

If the correlation were 1.00, the results from the FCAT and Stanford 9 test would be identical. As can be seen in Table 1, the correlation coefficient is 0.86 between the 4th grade FCAT and Stanford 9 reading test results. In 8th grade the correlation between the high stakes FCAT and low stakes standardized reading test is 0.95.[11] This demonstrates an extremely high level of correlation between the tests.

TABLE 1.—VERIFYING THE VALIDITY OF THE FCAT RESULTS

Correlation between	Grade level			
	4	5	8	10
FCAT reading and Stanford 9 reading	0.86	na	0.95	na
FCAT math and Stanford 9 math	na	0.90	0.95	0.91
Number of schools	1,514	1,514	508	356

All correlations are statistically significant at $p < .01$.
na=not available.

The math results of the two tests are also highly correlated. In 5th grade the correlation coefficient is 0.90. In 8th grade the FCAT and Stanford 9 school level results are correlated at 0.95. In 10th grade the correlation between the results of the two math tests is 0.91.

It is not possible to verify the validity of the FCAT writing test with this technique because there was no Stanford 9 writing test administered.

In the second Rand Corporation study of TAAS in Texas, Stephen Klein and his colleagues never found a correlation of more that 0.21 between the school level results from TAAS and the school level results of a low stakes standardized tests. In this analysis we never found a correlation between FCAT and standardized tests below .86. All of these correlations in Florida are statistically significant, meaning that the strong relationship between the results of the two tests is very unlikely to have been produced by chance.

While we cannot check the validity of the FCAT writing results, these analyses strongly support the validity of the FCAT reading and math results. Schools in Florida perform on the high stakes FCAT similarly to how they perform on the low stakes Stanford 9. Since schools would have little incentive to manipulate the results of the low stakes test, the fact that they confirm the high stakes test results is important confirmation that the FCAT measures are cedible.

FCAT Improvements by State-Assigned Grade

Now that we have confirmed the validity of the FCAT results, is it the case that schools facing the imminent prospect of competing to retain their students experienced the greatest improvement in FCAT results to avoid that prospect? In fact, the incentives appear to operate as expected. Schools that had received F grades in 1999 and were in danger of having their students offered vouchers if they repeated their failure made the largest gains between their 1999 and 2000 FCAT results.

As can be seen in Table 2, the year-to-year changes in FCAT results for schools do not really differ among schools that received A, B, or C grades from the state. Schools that had received D grades and were close to the failing grade that could precipitate vouchers being offered to their students appear to have achieved somewhat greater improvements than those achieved by the schools with higher state grades. But schools that received F grades in 1999 experienced increases in tests scores that were more than twice as large as those experienced by schools with higher state-assigned grades.

TABLE 2.—COMPARING TEST SCORE GAINS BY SCHOOL GRADE

School grade given by State in 1999	Change in FCAT Scores from 1999 to 2000		
	Reading	Math	Writing
A	1.90 (202)	11.02 (202)	.36 (202)
B	4.85 (308)	9.30 (308)	.39 (308)
C	4.60 (1223)	11.81 (1223)	.45 (1223)
D	10.02 (583)	16.06 (583)	.52 (583)
F	17.59 (76)	25.66 (76)	.87 (76)

The change for F schools compared to schools with higher grades is statistically significant at $p < .01$.
Math and reading scales are from 100 to 500.
The writing scale is from 0 to 6.
Number of schools is in the parentheses.

On the FCAT reading test, which uses a scale with results between 100 and 500, schools that had received an A grade from the state in 1999 improved by an average of 1.90 points between 1999 and 2000. Schools that had received a B grade improved by 4.85 points. Those that had a C in 1999 increased by 4.60 points. But schools that had a D grade in 1999 improved by 10.02 points. And schools that had F grades in 1999 showed an average gain of 17.59 points. The lower the grade that the school received from the state, the greater the improvement it made the following year. This improvement was especially large for schools that had received a D or F grade the previous year.[12]

Examination of the FCAT math results shows a similar pattern. Schools that had received an A grade experienced an average 11.02 point gain on a scale that ranged between 100 and 500. Schools that had a B gained by 9.30 points. Schools that had received C grades in 1999 showed 11.81 point gains, on average, between 1999 and 2000. While D schools had improved by 16.06 points from 1999 to 2000 on the FCAT math exam, schools that had received an F grade in 2000 made gains of 25.66 points. Again, the year-to-year gains achieved by schools that had previously received a D or F grade were significantly larger than those experienced by higher grade schools. The improvements realized by schools that had previously received an F grade were especially large.[13]

The FCAT writing exam, which has scores that go from 0 to 6, also shows larger gains for schools that had received an F grade. Schools that had received an A grade in 1999 improved by .36 on the writing test. Schools with a B grade had an average gain of .39. For C schools the improvement from 1999 to 2000 was .45. And for schools that had received a D grade, the improvement was .52 points on the FCAT writing exam. However, schools that had received an F in 1999 demonstrated an average gain of .87 points, about double the improvements for the other schools.[14]

The larger improvements achieved by schools that had received an F and were in danger of having vouchers offered to their students are all statistically significant. That is, the gains observed in the F schools differed from those in the other schools by an amount that is very unlikely to have been produced by chance.

A Hard Test of the Voucher Effect

To what extent were the gains produced by failing schools the product of the prospect of vouchers and to what extent were those improvements the product of the pressures of low performance?[15] One technique for isolating the extent to which gains were motivated by the desire to avoid having students offered vouchers is to compare the improvements achieved by higher-scoring F schools to those realized by lower-scoring D schools. The idea behind this comparison is that high-scoring F schools and low-scoring D schools were probably very much alike in many respects.[16] Both groups of schools had low previous scores and faced pressures simply to avoid repeating a low performance. Schools in both groups were also likely to face similar challenges in trying to improve their scores. It is also likely that a fair number of schools near the failing threshold could easily have received a different grade by chance. That is, random error in the testing may have made the difference between receiving a D or F grade for at least some of these schools. To the extent that chance is the only factor distinguishing those schools just above the failing line and those schools

just below the failing line we are approximating a random assignment experiment, like those used in medical research.

While the low-scoring D schools and the high-scoring F schools may be alike in many respects and some may only be distinguishable by chance, schools in each category faced very different futures if they failed to improve. The schools with the F grade faced the prospect of having vouchers offered to students at their school if they failed to improve significantly while D schools did not face a similar pressure. A comparison of the gains achieved by low-scoring D schools and high-scoring F schools should help us isolate the gains that are attributable to the prospect of vouchers unique to those with the failing label. This comparison is a hard test for the effect of vouchers in motivating schools to improve because we are not considering all of the failing schools who faced that pressure and we are comparing against D schools that might have experienced some pressure from the prospect of vouchers to the extent that they anticipated the consequences of their experiencing a decline in future performance.

As can be seen in Table 3, the gains realized by high-scoring F schools were greater than the gains realized by low-scoring D schools.[17] The improvement achieved by higher-scoring F schools on the reading test was 2.65 points greater than that achieved by higher-scoring F schools on the reading test was 2.65 points greater than that achieved by lower-scoring D schools, although this difference fell short of being statistically significant. On the math test the higher-scoring F schools made gains that were 6.09 point greater than those produced by lower-scoring D schools. The difference between the two groups of schools on the writing test was .16, keeping in mind that the scale for the writing test goes from 0 to 6 instead of from 100 to 500 as is the case for the reading and math exams. The differences between these groups on the math and writing tests were statistically significant at $p < .01$ meaning that we can have high confidence that these differences were not produced by chance.

These gains made by the higher-scoring F schools in excess of what were produced by the lower-scoring D schools are what we can reasonably estimate as the effect of the unique motivation that vouchers posed to those schools with the F designation. Given that the higher-scoring F schools were very much like the lower-scoring D schools, the fact that those schools that faced the prospect of vouchers made larger gains suggests that vouchers provide especially strong incentive to public schools to improve.

The excess gains that we can attribute to the prospect of vouchers can be reported in terms of standard deviations, as is conventional in education research. The improvement on the reading FCAT attributable to the prospect of vouchers was a modest 0.12 standard deviations and fell short of being statistically significant. The voucher effect on math scores was larger 0.30 standard deviations, which was statistically significant. And the prospect of vouchers improved school performance on the writing test by 0.41 standard deviations, an effect that is also statistically significant.

To put the size of these effects in perspective, education researchers generally consider effect sizes of 0.1 to 0.2 standard deviations to be small, effects of 0.3 to 0.4 standard deviations as moderate, and gains of 0.5 or more standard deviations are thought of as large. For comparison, the effect size of reducing class sizes from an average of 25 students to an average of 17 students according to the Tennessee Star study was .21 standard deviations.[18] The motivational benefits of the prospect of vouchers were larger than this class size reduction effect, at least on math and writing scores.

TABLE 3.—ISOLATING THE EFFECT OF THE PROSPECT OF VOUCHERS

	Gains in reading	Math	Writing
Lower-Scoring D Schools	12.87 (251)	18.15 (272)	0.59 (296)
Higher-Scoring F Schools	15.52 (42)	24.24 (41)	0.75 (35)
Voucher Effect	2.65	6.09	0.16
Voucher Effect Measured in Standard Deviations	0.12	0.30	0.41

Number of schools is in the parentheses.
The math and writing results are significant at p. < .01

Discussion

The most obvious explanation for these findings is that an accountability system with vouchers as the sanction for repeated failure really motivates schools to improve. That is the prospect of competition in education reveals competitive effects that are normally observed in the marketplace. Companies typically anticipate competitive threats and attempt to make appropriate responses to retain their customers before the competition fully materializes. Similarly, it appears as if Florida schools that foresee the imminent challenge of having to compete for their students take the necessary steps to retain their students and stave off that competition.

While the evidence presented in the report supports the claims of advocates of an accountability system and advocates of choice and competition in education, the results cannot be considered definitive. First, the A-Plus Program is still relatively new and its effects might change, for the better or worse, as the program matures. Second, only two schools in the state have actually had vouchers offered to their students because the schools had received two failing grades. It remains to be seen whether the number of schools where students are eligible for vouchers grows in future years. If the number does not grow, it is possible that the prospect of having vouchers offered to students will not seem so imminent to schools and they will not face the same incentives to improve.

Third, one could offer alternative explanations for the results reported in this study. For example, critics might suggest that the findings reported in this study might be produced by manipulation of FCAT results that may be localized among schools that faced the prospect of receiving a second failing grade. That is, perhaps the high correlation between FCAT and Stanford 9 results does not verify the validity of the FCAT among F schools who may face particularly strong incentives to cheat or manipulate results. If one breaks out the correlations between the FCAT and Stanford 9 results by state-assigned grade and grade level of the test, however, we find that the correlations generally remain high even if we only examine F schools. As can be seen in Table 4, the correlation on the reading score is never lower than 0.77 and never below 0.79 on the math scores for F schools. And the correlations for the F schools are comparable to the correlations for schools with higher state-assigned grades. Focusing on correlations between the FCAT and Stanford 9 results only among F schools tends to refute the claim that cheating or manipulation may be localized among failing schools.

TABLE 4.—VERIFYING THE VALIDITY OF THE FCAT RESULTS FOR EACH STATE-ASSIGNED GRADE

Correlation between	Grade Level			
	4	5	8	10
A SCHOOLS				
FCAT reading and Stanford 9 reading	0.71	na	0.89	na
FCAT math and Stanford 9 math	na	0.82	0.94	0.98
Number of Schools	121	121	68	8
B SCHOOLS				
FCAT reading and Stanford 9 reading	0.48	na	0.91	na
FCAT math and Stanford 9 math	na	0.74	0.94	0.89
Number of Schools	207	207	89	12
C SCHOOLS				
FCAT reading and Stanford 9 reading	0.62	na	0.86	na
FCAT math and Stanford 9 math	na	0.79	0.89	0.87
Number of Schools	684	684	254	277
D SCHOOLS				
FCAT reading and Stanford 9 reading	0.74	na	0.87	na
FCAT math and Stanford 9 math	na	0.83	0.89	0.90
Number of Schools	436	436	92	55
F SCHOOLS				
FCAT reading and Stanford 9 reading	0.77	na	0.99	na
FCAT math and Stanford 9 math	na	0.79	0.98	0.99
Number of Schools	66	66	5	4

All correlations are statistically significant at p<.01.
na=not available.

As another alternative explanation critics might suggest that F schools experienced larger improvements in FCAT scores because of a phenomenon known as regression to the mean. There may be a statistical tendency of very high and very low-scoring schools to report future scores that return to being closer to the average for the whole population. This tendency is created by non-random error in the test scores, which can be especially problematic when scores are ''bumping'' against the top or bottom of the scale for measuring results. If a school has a score of 2 on a scale from 0 to 100, it is hard for students to do worse by chance but easier for them to do better by chance. Low-scoring schools that are near the bottom of the scale are very likely to improve, even if it is only a statistical fluke.

In the case of the FCAT results, however, regression to the mean is not a likely explanation for the exceptional improvement displayed by F schools because the scores for those schools were nowhere near the bottom of the scale for possible results. The average F school reading score was 254.70 in 1999, far above the lowest possible score of 100. The average math score for F schools was 272.51 on the 1999 FCAT, also far above the lowest possible score of 100. And on the FCAT writing exam the average F score received a 2.40 on a scale from 1 to 6, also not likely to cause a bounce against the bottom. Given how far the F schools are from the bottom of the scale, regression to the mean does not appear to be a likely explanation of the gains achieved by F schools.

Another way to test for regression to the mean is to isolate the gains achieved by the schools with the very lowest scores from the previous year. If the improvements made by F schools were concentrated among those F schools with the lowest previous scores, then we might worry that the improvements were more of an indication of regression to the mean (or bouncing against the bottom) than an indication of the desire to avoid having vouchers offered to the students in failing schools. We can test this proposition by constructing a simple regression model that predicts the improvement in FCAT scores for

those F schools with previous test scores below average for F schools, for those F schools with previous test scores above average for F schools, and for all schools based on how low their previous scores were. The below average F schools are our proxy for a regression to the mean effect. If their gains are not significantly greater than higher-scoring F schools, then we can reasonably exclude regression to the mean as a likely explanation. All F schools should have experienced a similar motivation to improve to avoid vouchers. But if regression to the mean were operating, then the lowest-scoring F schools should have made significantly greater improvements because they would be more likely to be bouncing against the bottom of the scale.

As can be seen in Table 5, the gains achieved by low-scoring F schools are not greater than the gains achieved by higher-scoring F schools. For analyses of the reading, math, and writing results the higher-scoring F schools experienced gains comparable to those gains experienced by low-scoring F schools. This means that all F schools, whether they were ''bounding'' against the bottom of the scale or not, produced similar improvements. According to these models, schools that faced the prospect of vouchers by virtue of having received an F grade made improvements on their reading FCAT that were approximately 4 points higher than would be expected simply from how low their previous score was. The exceptional gain achieved by F schools on the math FCAT was approximately 8 points and the exceptional gain on the writing FCAT was approximately one-quarter of a point on a 6-point scale. All of these results are statistically significant. These results are also consistent with the voucher effect estimated using the analyses reported in Table 3.

It was a general pattern that schools with lower previous scores made larger improvements. This effect of simply having an accountability system in place to put pressure on lower-performing schools operated across all grades, inspiring low-scoring A, B, C, and D schools to improve. But F schools made gains that were even larger than would have been expected simply given how low their previous scores were. The exceptional incentive that existed for schools that had an F grade was the desire to avoid the prospect of vouchers. We might therefore attribute this improvement realized by F schools beyond what would be expected given their low previous score as their ''voucher'' gain. Because higher-scoring and lower-scoring F schools experienced comparable exceptional improvements, we can have some confidence that this is a voucher effect and not a regression to the mean effect. And all schools, across all grades, faced some motivation to improve lower scores simply by virtue of having an accountability system in place.

It therefore appears as if two forces were in effect to motivate schools to improve. Schools had some motivation to improve simply to avoid the embarrassment of low FCAT scores. This motivation operated across all state-assigned grades. But schools with F scores had a second and very strong incentive to improve to avoid vouchers.

While one cannot anticipate or rule out all plausible alternative explanations for the findings reported in this study, one should follow the general advice to expect horses when one hears hoof beats, not zebras. The most plausible interpretation of the evidence is that the Florida A-Plus system relies upon a valid system of testing and produces the desired incentives to failing schools to improve their performance.

TABLE 5.—REGRESSION ANALYSES OF THE EFFECT OF PRIOR SCORES AND FAILING STATUS ON FCAT SCORE IMPROVEMENTS

Variable	Reading		Math		Writing	
	Effect	P-Value	Effect	P-Value	Effect	P-Value
Lower Previous Score	0.19	0.00	0.15	0.00	0.14	0.00
Higher-Scoring F Schools	3.92	0.02	7.93	0.00	0.23	0.00
Lower-Scoring F Schools	2.93	0.11	7.24	0.00	0.39	0.00
Constant	61.67	0.00	59.28	0.00	0.89	0.00
Adjusted R-Square	0.16		0.12		0.12	
Number of Schools	2,392		2,392		2,392	

The dependent variable is the change in FCAT scores from 1999 to 2000. P-values below .05 are generally considered statistically significant.

NOTES

1. ''The Harmful Impact of the TAAS System of Testing in Texas: Beneath the Accountability Rhetoric,'' May 1, 2000. Available at http://www.law.harvard.edu/groups/civilrights/conferences/testing98/drafts/mcneil_valenzuela.html. Accessed most recently on December 20, 2000.

2. ''The myth of the Texas miracle in education,'' Education Policy Analysis Archives, 8(41), August 19, 2000. Available at http://epaa.asu.edu/epaa/v8n41. Accessed most recently on December 20, 2000.

3. ''Improving Student Achievement: What NAEP State Test Scores Tell Us,'' by David W. Grissmer, Ann Flanagan, Jennifer Kawata, and Stephanie Williamson, The Rand Corporation, June 25, 2000. Available at http://www.rand.org/publications/MR/MR924/. Accessed most recently on December 20, 2000.

4. Although low stakes also introduce the danger that students or schools will not devote sufficient effort to demonstrating their true level of performance.

5. For a critique of the Klein and Grissmer reports see Eric Hanushek, ''Deconstructing RAND,'' Education Matters, Spring 2001. The article is available on-line at www.edmatters.org.

6. ''The Texas School Miracle is for Real,'' by Jay P. Greene, City Journal, Summer 2000. Available at http://www.city-journal.org/html/10_3_the_texas_school.html. Accessed most recently on December 20, 2002.

7. For a summary of recent research see ''A Survey of Results from Voucher Experiments: Where We Are and What We Know,'' by Jay P. Greene, Civic Report 11, The Manhattan Institute for Policy Research, July 2000. Available at http://www.manhattan-institute.org/html/cr_11.htm. Accessed most recently on December 20, 2000.

After that summary was written two important voucher studies were released. One is ''Test-Score Effects of School Vouchers in Dayton, Ohio, New York City, and Washington D.C.: Evidence from Randomized Field Trials,'' by William G. Howell, Patrick J. Wolf, Paul E. Peterson and David E. Campbell, August 2000. Available at: http://www.ksg.harvard.edu/pepg/. The other is ''The Effect of School Choice: An Evaluation of the Charlotte Children's Scholarship Fund,'' by Jay P. Greene, Civic Report 12, The Manhattan Institute for Policy Research, August, 2000. Available at http://www.manhattan-institute.org/html/cr_12a.htm.

8. See ''Does Competition Among Public Schools Benefit Students and Taxpayers?'' by Caroline Minter-Hoxby, The American Economic Review, December 2000; and ''The Education Freedom Index'' by Jay P. Greene, Civic Report 14, The Manhattan Institute for Policy Research, September 2000.

9. This technique addresses what is technically known as the concurrent validity of the FCAT. It does not address whether the letter grades assigned by the state are based on appropriate cutoff points in the test results. That is, this report does not address whether schools given an A in Florida truly deserve an A or whether D schools should really receive an F. To use a metaphor familiar to most students, this report only examines the validity of the test, not the validity of the curve used to assign grades.

10. The Florida Department of Education also has FCAT scores on its web site at http://www.firn.edu/doe/cgi-bin/doehome/menu.pl. However the web site only has scores for standard curriculum students in 1999 and all students in 2000. This study used scores for standard curriculum students in both years. Earlier analyses on these results from the web site do not produce results that are substantively different from those reported here. This suggests that the inlcusion or exclusion of test scores from special needs students have little bearing on the conclusions of this evaluation.

11. The correlation between results of test averages for a school will be higher than correlations between the results of individual student test scores. Nevertheless, these school-level correlations are quite high.

12. The within sample standard deviation for the FCAT reading scores is 21.94, making the gain achieved by the F schools equivalent of .80 standard deviations.

13. The within sample standard deviation for the FCAT math scores is 20.59, making the gain achieved by the F schools the equivalent of 1.25 standard deviations.

14. The within sample standard deviation for the FCAT writing scores is .39, making the gain achieved by the F schools the equivalent of 2.23 standard deviations.

15. For a case study that documents the extent to which improvements at failing schools can be attributed to the prospect of vouchers, see Carol Innerst, ''Competing to Win: How Florida's A-Plan Has Triggered Public School Reform,'' Urban League of Greater Miami, Inc., The Collins Center for Public Policy, Floridians for School Choice, The James Madison Institute, and the Center for Education Reform, April, 2000.

16. In fact, the high-scoring F schools had slightly higher average test scores from the previous year than did the low-scoring D schools. This is possible because the state-assigned grade is determined by the percentage of students above certain thresholds on the test score, not by the average test score for the school.

17. High-scoring F schools are those with previous scores that were above average for F schools. Low-scoring D schools are those with previous scores below average for their grade.

18. Finn, J.D., and C.M. Achilles (1999), ''Tennessee's Class Size Study: Findings, Implications, and Misconceptions,'' Education Evaluation and Policy Analysis, 21(2): 97–109.

Mr. LEVIN. Mr. Chairman, I rise in support of H.R. 1 as reported by the Committee on Education and the Workforce. This bipartisan

legislation strengthens education in this country.

As good as the bill before us is, it won't mean much if Congress does not provide the funding at the levels promised in H.R. 1. All of us need to understand what we're doing here. We are pledging a significant increase in federal resources to elementary and secondary education in this country. In exchange, local school districts will increase the emphasis on educational standards and academic results. Under this bill, school districts will be held accountable for doing so.

There is an old saying that you can't have your cake and eat it too. I am concerned that this is precisely what a majority of this House has in mind when they promise increased federal funding for education today, only to vote to lock in an oversized tax cut later this week. This is a risky gamble. The increased aid for education we're voting for today, as well as the $1.35 trillion tax cut we will vote on later, are both predicated on future budget surplus projections that are anything but certain. The Congressional Budget Office has cautioned us that these surplus estimates are not written in stone. If we lock in an oversized tax cut, and the budget surplus evaporates down the line, there will not be enough money left to meet the promises we are making today to fund education.

Even if the surplus numbers turn out to be correct, the size of the tax cut would still threaten education funding since all of us know that the defense budget is still tentative pending completion of the Administration's strategic review. It's a near certainty that defense spending will rise by hundreds of billions of dollars beyond what is currently budgeted. The tax cut makes no allowance for this. We will have had our cake, but left our schools with crumbs and yet another unfunded federal mandate. This is the last thing we should do to our children.

Again, I urge all my colleagues to support education today by voting for H.R. 1. Just as importantly, I urge you to support education later this week when you are casting your vote on the tax cut.

Ms. KILPATRICK. Mr. Chairman, it was with great reservation that I will vote yea on final passage of H.R. 1, the Elementary and Secondary Education Act. The children of this country deserve the best education that is available, regardless of whether they attend a public or private school. I believe that there are parts of this bill that will serve these children and others that could see some improvement.

I am very pleased that this bill will double the authorization level for Title I over the next five years to $17.2 billion. This increase in funding will assist our schools in closing the achievement gap for disadvantaged students, something which is of vital importance to the children living in cities such as Detroit. This increase will be targeted to improve low performing schools through the investment of additional help and resources. I am also encouraged by the fact that this bill will permit parents of children in low performing schools to use Title I funds to provide supplemental educational services such as tutoring, after-school programs and summer school.

My reservations in voting for the passage of this bill stem from the fact that this bill does not include funds for new school construction. There are too many schools in this country that are falling into disrepair. Our children are crammed into overcrowded classrooms, and this bill does nothing to help resolve this problem.

I am also very concerned about the provision in this bill that requires annual math and reading testing of students in grades three through eight. I agree that testing is one way to assess the abilities of a student; however, I fear that these tests will be used to undermine schools in the inner city. Low test scores may very well lead to the closing of schools, when instead we should be providing these students with additional resources. Every child should be provided with the resources that will help them to excel academically. We must provide these children and their teachers with additional assistance and opportunities. I hope that these test results will serve to show us what schools and specific students need our assistance, and will not serve only as a reason to close down much needed schools.

In closing, I reiterate my support for the increase in Title I funding. The students in my district will directly benefit form these funds. I thank my colleagues for their support of this bill, and hope that in the future we will recognize the importance of funding new school construction as well.

Mr. WATTS of Oklahoma. Mr. Chairman, I rise today in strong support of H.R. 1 and the technical changes to the Impact Aid program. Impact Aid compensates local educational agencies for the substantial and continuing financial burden resulting from federal activities.

Impact Aid is one of the only federal education programs where the funds are sent directly to the school district, so there is almost no bureaucracy. In addition, these funds go into the general fund, and may be used as the local school district decides. As a result, the funds are used for the education of all students.

Last year, the Defense Authorization Conference Report included the Department of Education Impact Aid Reauthorization Act of 2001 which contained a small school provision that addressed some of the concerns that small school districts have had with regard to funding levels. It was the intent of the provision to recognize two public school finance facts: (1) that small schools are significantly more expensive to operate; and (2) that the changes in the proration of available funds in the 1994 Impact Aid Reauthorization devastated small schools. The small school provision provided a funding floor for small school districts with fewer than 1,000 children who have a per pupil average lower than the state average. It also guaranteed these schools receive a foundation payment of no less than 40% of what they would receive if the program were fully funded.

However, there was an oversight on the part of the framers of the current law. The option to select the higher of the state or national average was not recommended for the current law. For this reason, I support the minor modification to the small school provision. The concept of a school district having the choice between the ''higher of the state average or the national average'' is already used in the payment calculation for the basic impact aid support payment and the heavily impacted district payment. Therefore, this technical correction is consistent with already existing Impact Aid laws.

By increasing its support of the Impact Aid program, the federal government can assist these schools in providing a quality education to thousands of children across the country. Therefore, I urge my colleagues to join me in supporting this bill. Millions of students depend on the Impact Aid program for a quality education. Let's not disappoint them.

Mr. BENTSEN. Mr. Chairman, I rise in support of this legislation, which provides for reauthorization of the Elementary and Secondary Education Act. While I support the underlying bill, I opposed the rule, which prevented consideration of key amendments—including School Modernization and Class Size Reduction. In addition, the rule authorized consideration of several flawed proposals, including the Armey/Boehner/DeLay school voucher amendment, the DeMint Straight A's amendment, and the Cox amendment to drastically reduce the bill's authorization levels.

This bipartisan bill represents a compromise negotiated between Congressional Democrats, Congressional Republicans, and the Bush Administration, and contains important bipartisan provisions to improve the accountability of schools and school districts. As an original cosponsor of the ''3R's'' legislation, I believe this compromise legislation is rightly focused on developing and implementing high standards in the core academic subject areas, while also holding schools accountable for academic achievement. This legislation also provides substantial new resources, totaling $4 billion in additional funds for elementary and secondary education in exchange for higher standards and tough accountability rules. To ensure higher academic achievement, H.R. 1 requires students in grades three through eight to be tested annually in math and reading. While testing is not a panacea and can be counterproductive in some instances, I believe we must ensure that parents, teachers and school administrators have a reliable gauge of student development. Testing must, however, be matched with sufficient resources to ensure children who do not score well can get the assistance they need to learn. This bill moves in that direction. If a school does not make adequate progress after one year, it would have to allow students to transfer to other public schools and the school would have to pay the students' transportation costs. I believe that each of these initiatives are vital to improve public schools and student achievement, and critical components to effective school reform.

While H.R. 1 takes a positive step towards helping students achieve academically, I believe we must also reject any amendments to divert public funds to private schools and provide block grant funding to the states. I strongly oppose any attempts to divert federal funds away from public schools and to private or parochial educational institutions. Vouchers would undermine the accountability for student achievement that is a strong component of H.R. 1. Furthermore, there is no evidence that vouchers will improve achievement for disadvantaged students. Vouchers do not increase parental choice, since the choice for admission would rest with private schools. Most importantly, I believe federal funding must be invested in proven public schools that help all students.

I am also opposed to any attempt to add Straight A's provisions to this bill, which regardless of its name, would undermine the

federal role in education and would institute bad public policy. Essentially, the Straight A's proposal would block grant federal programs and erode meaningful involvement of parents and other school officials. The Straight A's provisions would take away any real accountability for how federal money is spent and severely weaken local control over the use of federal education dollars. The Straight A's proposal would allow states to block grant and use for other purposes federal funds that are now dedicated to specific national concerns, such as improving education for disadvantaged children, enhancing teacher quality, reducing class sizes and promoting high standards. Block granting federal funds will direct resources away from low income student with the greatest needs, and undermine accountability in education. I urge my colleagues to reject the Straight A's amendments offered today.

I also oppose passage of the Cox amendment, which would cut $2.3 billion from Fiscal Year 2002 authorized funding levels and prevent any real increases above inflation in future years. Mr. Speaker, if we are to consider a reduction in spending levels, we should do so through the appropriations process, not through consideration of this bill. Instead, we should support the bipartisan authorization levels provided in H.R. 1, which includes $5.4 billion for critical investments in ESEA programs. Without adequate resources, schools will be unable to provide real results and our nation's children will suffer as a result.

Mr. Chairman, with passage of the underlying bill, we can strengthen our commitment to improving education through support for successful and cost-effective education programs. H.R. 1 strikes an appropriate balance in improving public schools and student achievement. I urge my colleagues to support H.R. 1 as offered today, and reject the Straight A's and school voucher amendments.

Mr. REYES. Mr. Chairman, I rise today in strong opposition to any amendment that would allow block granting of federal education programs, including Title I. There are various problems associated with some of the amendments that my colleagues are offering to H.R. 1, legislation that would reauthorize the Elementary and Secondary Education Act (ESEA). As you know, Title I of the ESEA provides targeted federal resources to help ensure that disadvantaged students have access to a quality education. The block granting of programs under Title I and other titles of the bill dilutes targeting for special needs populations. This would result in significant funding shifts among localities and would weaken accountability of federal funds.

For example, in Title III of H.R. 1, the current Bilingual Education Act (BEA), Emergency Immigrant Education Program (EIEP), and the Foreign Language Assistance Program (FLAP) are consolidated into one formula driven state grant. I oppose consolidation of these three programs because it would dilute federal resources to serve three distinct and separate student populations. Given the rising number of limited English proficient (LEP) students and the diverse needs of recent immigrant students, local schools need a targeted amount of federal resources to provide adequate services to each group.

BEA provides startup funds for schools to develop quality services for LEP students, whereas EIEP reimburses schools for the extra costs associated with helping newly arrived immigrant students succeed in school—services that go far beyond language classes. Finally, the third program to be consolidated under Title III is FLAP, which helps native English speaking students learn a foreign language. Consolidation ignores the distinctiveness of each of these programs and dilutes the funds available to students in need.

Mr. Chairman, while I applaud the bipartisan support for this legislation, I ask my colleagues to oppose any amendments that would consolidate federal funds into state block grants.

Mr. CRANE. Mr. Chairman, I want to praise President Bush for putting forth an education plan that offered children in failing schools a chance to get a better education. It is too bad that Democrats and supporters of the failing status quo were allowed to gut the legislation, H.R. 1, at the Committee level to remove any chance for failing schools to successfully improve their performance or to let parents have the option to move their children to better schools.

I believe that control of education should be retained at the local level. Last year, Illinois high school students led the nation in Advanced Placement scores. With a few exceptions we have good schools in the 8th District and I don't want to force local parents, school boards, and teachers into a one-size fits all approach that might work in New York City or Atlanta but not in Barrington or Wauconda.

One of the reasons I support tax relief, including eliminating the marriage tax penalty and doubling the child tax credit, is because it lets 70,000 married couples and families with 125,000 children in the 8th District of Illinois keep $162 million per year in their pockets. That is $162 million per year that families could spend in our district on education if they chose to do so.

When we send a dollar to the federal government from Illinois, we only get 73 cents back. In my district, we send more than $2 to Washington and only get a dollar back. With a return like this, it is easy to see why I support letting taxpayers keep more of their hard earned money and having parents decide locally how their money should be spent on education.

I believe the best way to improve education is to return dollars and decisions back home to the parents and teachers who know our children's names and their educational needs. That is why I am a cosponsor of The Dollars to the Classroom Act, a bill that directs federal elementary and secondary education funding for 31 programs directly to public school classrooms of this country.

Federal education funding is at an all-time high, and H.R. 1 increases it by a huge amount, yet student achievement continues to lag. Most Republicans in Congress want to give local schools more freedom to use new models to solve old problems while maintaining high accountability standards. H.R. 1 in its current form does not come close to accomplishing this worthy goal.

Former President Ronald Reagan, in a March 12, 1983 radio address to the nation on education, said, ''Better education doesn't mean a bigger Department of Education. In fact, that Department should be abolished. Instead, we must do a better job teaching the basics, insisting on discipline and results, encouraging competition and, above all, remembering that education does not begin with Washington officials or even State and local officials. It begins in the home, where it is the right and responsibility of every American.''

The legislation now before the House heads in the other direction. it continues increasing the amount of taxpayer money sent to the bureaucrats at the Department of Education while, as President Reagan said in his radio address, ''our traditions of opportunity and excellence in education have been under siege. We've witnessed the growth of a huge education bureaucracy. Parents have often been reduced to the role of outsiders.''

One concept that has strong support from parents is President Bush's proposal to improve public education by testing children in reading and math in grades three through eight once each year. Under President Bush's proposal, schools would be held accountable for either improving scores within three years or losing their federal money, which accounts for seven cents of every education dollar. The rest comes from states and localities.

I voted against the amendment co-sponsored by Congressmen PETER HOEKSTRA and BARNEY FRANK to remove President Bush's test requirement from the bill. The tough new testing regimen designed to identify failing public schools—an idea at the heart of President Bush's education plan—survived when the amendment failed. But the rest of the President's plan to give local schools more control to make the changes necessary to improve and to give parents the option to move their children to a better school were stripped out of the bill.

For the reasons I have outlined, I decided to vote against H.R. 1. I want to praise President Bush for his leadership in proposing creative solutions to improving the education of our children. I encourage him to continue to move the federal government out of the way and to give schools more flexibility and parents more choices for their children.

Mr. STARK. Mr. Chairman, I rise today in support of H.R. 1, the No Child Left Behind Act of 2001.

I want to commend Representative GEORGE MILLER and the Committee on Education and the Workforce for reporting out a bill that will help to improve this nation's elementary and secondary education system by making students a priority, by providing school accountability and by giving financial support to our schools to train and recruit quality teachers.

H.R. 1 provides a clear signal that this Congress has prioritized children's education. It provides $5.5 billion of valuable new resources in Fiscal Year 2002 over the previous year for elementary and secondary education. More specifically, it builds upon the Federal commitment to ensure that children from disadvantaged families get an opportunity to receive a quality education by doubling the funding for the Education for the Disadvantaged Program over the next 5 years.

The bill also maintains the Federal commitment to expand quality after school programs by increasing funding for the 21st Century Learning Center After School program. Furthermore, it

provides additional funding to help our children learn in safe school environments by authorizing more funding for the Safe and Free Drug Schools.

H.R. 1 helps to create a strong school accountability system by providing new funds to states to develop statewide educational standards and standardized student tests. These standards and tests will give parents information so that they can measure the quality of education that the school system is providing for their children. Parents are also empowered to monitor the quality of their children's education through this bill's requirement that states, local school agencies and schools must issue report cards to parents on aspects of school performance and teacher's qualifications.

This legislation signals to teachers that the federal government supports their efforts to educate our children by providing almost $2 billion in new resources for teacher training, recruitment and school class size reduction next year.

I also support this bill for the provisions that are left out. I am pleased that this Congress made the wise decision to reject private school vouchers. At the moment, public schools are underfunded. Diverting resources to a few students so that they can go to private schools does not resolve the issue of creating an excellent educational system for all students. At best, the capacity of private schools can only accommodate a small proportion of students' educational needs at the expense of fewer resources for all students.

Although this bipartisan bill is encouraging, I am concerned that the legislation that Congress passes today will not get the necessary appropriated funds for schools to implement it. A few weeks ago, the Majority passed a Budget Resolution that only increased education by $0.9 billion for next year. This amount is far short of the $5.5 billion of additional resources authorized for this legislation next year. I hope that my colleagues in the Majority who vote for this bill put their money where their mouths are by appropriating the necessary funds to implement this bill. Otherwise, this bill will become another hollow promise.

I urge my colleagues to support H.R. 1 and help to create an education system that puts students first, creates strong school accountability and provides valuable financial support to improve teacher quality.

Mr. MOORE. Mr. Chairman, I rise today to express both my support and concern for provisions of H.R. 1, the Leave No Child Behind Act.

Since taking office, President Bush has made education reform legislation a centerpiece of his administration's domestic policy. I sincerely believe that the President has the very best of intentions to address real problems in our nation's schools.

The legislation before us today represents a great departure from current federal education policy—a policy that contains more than 50 duplicative programs and funding streams and burdens our administrators with paperwork. H.R. 1 provides unprecedented flexibility to local school districts, while retaining the overall purpose behind federal funding by targeting it to the students and districts that need them the most. It reduces the paperwork burden currently imposed by federal programs so that school administrators have time to do what they were hired to do—educate our kids.

I am extremely concerned, however, with the provision of the bill mandating yearly testing in grades 3 through 8. Administrators, parents and teachers in my district have expressed concern to me regarding the testing provisions of H.R. 1. They point out that Kansas currently tests students in order to determine progress and close the achievement gap. I understand that the President believes that yearly testing is absolutely essential to tracking student performance and promoting accountability. I share his belief that we should closely track the progress of students, but I am very concerned that this bill does not include adequate funding for school districts to implement the tests yearly. I understand that administering these tests could cost the state of Kansas nearly $10 million per year, a sum that is not adequately provided for in this bill or in the President's budget.

Recently, the Kansas State Legislature completed its business for the year, having faced a revenue shortfall of over $200 million, directly resulting in a lack of adequate funding for Kansas schools. Even Governor Graves, reflecting on large tax cuts of previous years, recommended a tax increase to meet the revenue shortfall for education funding. Unfortunately, the Governor's proposal failed and the State Legislature has still not adequately funded education in Kansas.

Like the Individuals with Disabilities Education Act, I am extremely concerned that this bill, although well-meaning, will shift an additional unfunded financial burden to local school districts that are already struggling. We in Congress need to accept that real education reform will require a substantial investment on the federal level, and not a cost-shifting strategy that leaves local school districts holding the bag.

A serious dialogue needs to begin, between Congress, the public, and those concerned with the quality of education about the value and efficacy of testing, the frequency of testing and the need for local authority for testing. We in Congress should listen to the concerns of teachers, administrators and parents about ''over-testing'' and incentives to ''teach to the test.'' These concerns are often easily dismissed, but I believe that they are valid and have not been adequately addressed by those who support yearly testing.

The White House has made it clear that without the testing component, this bill would not be signed into law. Knowing this, I voted against the Hoekstra/Frank amendment to strip the testing provisions from the bill, despite grave reservations about the testing component. I am supporting this bill because I believe that it is fundamentally sound and bipartisan. It greatly improves current law by providing increased flexibility to local school districts while maintaining the federal focus on disadvantaged students. I support, and wish to encourage, the efforts of the President and the Democratic and Republican leaders who have worked together on this legislation. Drafting legislation is a very difficult process, and I doubt that all parties involved will ever be completely satisfied with the final product. The bill is not perfect, but it is extremely good, and I think it would be a mistake to sacrifice the careful balance of the underlying bill and go back to the drawing board.

I believe that this bill can be further improved, before it arrives on the President's desk, by addressing the valid concerns that I have mentioned. I will continue to work with my colleagues on the conference committee to ensure that the concerns of my school administrators, teachers and parents are addressed.

Mr. LANGEVIN. Mr. Chairman, I rise to commend my colleagues on the Education and the Workforce Committee for crafting a bill that contains landmark investments in education and prioritizes disadvantaged children and low-performing schools.

In total, H.R. 1 authorizes $22.8 billion, about $5 billion more than was appropriated in fiscal year 2001. This bill creates new accountability systems that hold our schools responsible for delivering the first-rate education that our children deserve. It tackles the problem of illiteracy by creating two new reading programs and authorizing them at three times the level of past programs. H.R. 1 gives children more personal attention and improves teacher quality by almost doubling funding for class size reduction and professional development for teachers. It authorizes $11.5 billion for Title I in 2002 with increases over five years that amount to almost twice the 2001 level. Finally, H.R. 1 rejects both vouchers, which would drain resources from public schools, and 'Straight As,' which would politicize education and deny critical funding to the students who need the money most.

In sum, H.R. 1 is a remarkable measure. My only fear is that the budget we were forced to vote on last week so binds our hands that we will not be able to keep our promises. By enacting a $1.35 trillion tax cut and a four percent cap on discretionary spending increases, we have virtually guaranteed that we will not adequately fund all the programs we are about to authorize. Mr. Speaker, reforms without resources will not produce results.

I ask my colleagues to vote in favor of H.R. 1. However, we must all remember that our job is not over until we meet these obligations during the appropriations process.

Mr. GRAHAM. Mr. Chairman, today the House of Representatives passed H.R. 1, the No Child Left Behind Act. After having voted against this legislation in the Education and Workforce Committee, today I supported President Bush, Chairman BOEHNER, and Ranking Member MILLER and voted in favor of this legislation.

I remain concerned that H.R. 1 does not grant local school districts, teachers and parents the degree of flexibility originally contained within President Bush's education plan. Yet, I also feel this legislation was honestly debated and voted upon on the House floor. I

am hopeful that through the continuing work of Congress and the Conference Committee on H.R. 1, that certain aspects of the President's original plan will be reinforced or reinserted.

I look forward to working with the President and Members of Congress to further improve this legislation.

Mr. BLUMENAUER. Mr. Chairman, today, I will vote against two amendments to H.R. 1, the Leave No Child Behind Act. In a bill that is heralded for promoting greater local decision making authority, both of these amendments are efforts to impose federal mandates and place strings on schools districts eligible for precious federal dollars.

Mr. Vitter's amendment to mandate that public schools receiving ESEA dollars allow military recruiting is currently playing out at the local level in my district. Last night, the Portland School Board voted to continue a ban on military recruiters on schools grounds. Military service is a rewarding career and vital to our national interests. The information recruiters provide can be very helpful to many students. But, it's local school districts and their locally elected school boards, not politicians 3000 miles away, that should decide whether or not the military should be allowed to recruit on school grounds.

Similarly, the Hilleary Amendment seeks to overturn school district decisions to deny access to organizations that discriminate by mandating that schools which receive Federal funding allow Boy Scouts to meet on their premises. Personally, I agree with the decisions of local school districts to ban organizations that engage in discriminatory practices from school grounds, but, more importantly, I will vote against this amendment because these types of decisions should be made by local government entities, not the Federal Government.

Mr. Chairman, today I will, however, vote in favor of H.R. 1, the Leave No Child Behind Act. Since coming to Congress my goal has been to ensure that the Federal Government is a better partner in building more livable communities. Access to quality public education is a key component of a community that is safe, healthy and economically secure.

While not perfect, H.R. 1, as passed out of the House Education Committee, represents a bipartisan agreement that will move us in the right direction to providing more support and investment for public education. While I support the overall framework that the bill provides, there are several amendments that I do not support.

I am deeply concerned with amendments to block grant federal education funds or to provide taxpayer dollars for private schools through a voucher system. Both proposals threaten precious Federal funding for public schools, most harshly impacting the schools that are the most vulnerable. We can reform and improve our public education system without diverting funds from our already financially strapped public schools.

Although this bill is an important step forward, there is still unfinished business to address if we are sincere about proving education in this country. One of the most glaring omissions is the lack of funding for school construction. In my state of Oregon, 96 percent of schools need to be upgraded or repaired. In the Northwest alone, 25,000 schools need major repairs or outright replacement. Schools can serve a vital function in the community, both as places for our children to learn and grow and as a center for community activity, but only if our schools are safe places for students and adults to learn on modern technology and equipment. Investment in renovation of existing schools can significantly enhance community livability.

H.R. 1 also provides no additional funding for Individuals with Disabilities in Education Act (IDEA). In the 94th Congress, we mandated special education access for children with severe learning disabilities. Along with that mandate came a promise that the federal government would pay 40 percent of the cost, this was the right thing to do given the increased costs that are often required to teach children with special needs. Unfortunately, the Federal Government has yet to fulfill its commitment to IDEA. We have missed yet another opportunity today to provide full funding for this critical program.

Education, like livable communities, is for all of us—not just a select few. The Federal Government should lead by example in offering the best possible public education to our nation's children. H.R. 1 is a good start, but we have a long way to go.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 384, noes 45, not voting 4, as follows:

[Roll No. 145]

AYES—384

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
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
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hilleary
Hinchey
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Hobson
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Holden
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Hoyer
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Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
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Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
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
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
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Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
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Weiner
Weldon (PA)
Weller
Wexler
Whitfield
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Wolf
Woolsey
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Wynn
Young (AK)
Young (FL)

NOES—45

Akin
Bartlett
Conyers
Crane
DeMint
Doolittle
Duncan
Filner
Flake
Frank
Gilchrest
Goode
Hefley
Herger
Hilliard
Hoekstra
Hostettler
Johnson, Sam
Jones (NC)
Kerns
Lewis (KY)
Manzullo
Moran (KS)
Paul
Payne
Pence
Pitts
Pombo
Rivers
Rohrabacher
Ryun (KS)
Sabo
Scarborough
Schaffer
Scott
Sensenbrenner

Sessions	Stearns	Waters
Shadegg	Stump	Watt (NC)
Souder	Tancredo	Weldon (FL)

NOT VOTING—4

Cubin	Moakley
Larson (CT)	Visclosky

□ 1925

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

Mr. UPTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 1836. An act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1836) ''An Act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002'' requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. GRASSLEY, Mr. HATCH, Mr. MURKOWSKI, Mr. NICKLES, Mr. GRAMM, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. BREAUX, to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

Mr. MCDERMOTT. Mr. Speaker, reserving the right to object, President Bush has said that this bill, which is the tax bill, should be rushed through the Congress to, first, stimulate the economy; and then, more recently, has been offered as a means by which we can deal with the energy crisis in this country.

Now, unfortunately, this bill does not meet the President's request, because it gives no tax relief whatsoever to the people in the bottom part of the Tax Code, those people who do not pay income tax; those people who will be paying $3 a gallon for gasoline, and who are paying enormous rates for electricity in California, Washington, and Oregon.

□ 1930

Now, in the Committee on Ways and Means, we tried to offer amendments on a windfall profits tax, because in the fall and in the winter, people are not going to be able to pay their utility bills.

It is my view that there ought to be conservation rebates in this bill. There ought to be a whole series of energy-related issues taken up in this bill since this is going to be the tax bill of the session.

There is no more money left. This is it. We have been told $1.3 trillion. It is out the door, and there is no chance to come back on energy. There is no chance to come back on any of the problems related to the economy because of the energy crisis in this country.

It is my belief that we ought to be dealing with that now. It is a crisis. The California Assembly is suing FERC, the Federal Energy Regulation Commission, because they will not impose price caps. You have a situation where you have price gouging all over the West.

Energy companies in Texas have gotten 400 percent profit in the last 6 months. I mean, we all believe in the free enterprise system, but 10 percent, 15 percent, that is enough, I should think, 400 percent being put on the backs of people who are not going to get a penny out of this tax bill.

This bill deals with people like us and above. It does not deal with people who are making $25,000 a year for a family of four. They get absolutely nothing out of this bill. I think that the President is being done a disservice by this House by us not dealing with energy in this piece of legislation.

Mr. Speaker, I, for that reason, have raised the objection that I think we ought to stop the process, go back to committee and work it out. We do not need to go rushing to the conference committee. It will be rushed back tomorrow. There will not be a soul in this House who knows what is in the bill.

We can get on those planes tomorrow at 5 p.m., everybody is going to say we passed a tax cut; and they are not going to know what they did. It is my view that the crisis in energy in this country that is beginning in California, it is going to cover the entire country.

Anybody who does not believe that, they should go to Los Angeles, walk around for a week, and you will see what is going to happen in the rest of the United States.

Some of my colleagues are already facing places where gasoline prices are up over $2, $2.50 in some parts of this country this last weekend.

Think of those people who have to commute 30 miles, 40 miles, 50 miles, 60 miles a day in an SUV that gets 10 miles, 12 miles, 15 miles to the gallon. It is going to be expensive, and my colleagues are going to hear about it. My colleagues will have passed the only tax bill of this session without ever dealing with energy.

Mr. FILNER. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from California.

Mr. FILNER. Mr. Speaker, the motion is to go to conference, because the tax bill has got to get out before Memorial Day. I wish the majority party, the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means, would say we need to get out a bill to help California and the West before Memorial Day.

Why are we rushing on this before Memorial Day when California is being bled dry? The gentleman from California (Chairman THOMAS) knows what is going on in California. We are paying as a State now $3 million an hour for electricity. We are paying $70 million, sometimes $90 million a day, over $3 billion a month.

No State, even if it is the sixth biggest economy in the world, can survive that kind of bleeding.

Mr. Speaker, 65 percent of the business in San Diego County by a report that came out by the Chamber of Commerce, 65 percent of the small businesses in San Diego County are facing bankruptcy this year because of energy. They cannot survive given the costs of electricity.

We have social service organizations for our children who we are not going to leave behind after the last vote closing up half the time because of the overhead in electricity.

We have schools who cannot teach because of the overhead in electricity. We have libraries that cannot buy books because of the overhead in electricity. We are bleeding in California and in Oregon and in Washington and in New Mexico and Wyoming and Montana. In Rhode Island, I heard the prices have just doubled.

We need to act as a Congress on this; yet, my colleagues want to rush through a tax bill by Memorial Day.

Mr. Speaker, I think my colleagues ought to rush through by Memorial Day a bill to give us some relief in San Diego and California and the West.

My colleagues are looking at me now as if they do not know what I am talking about. My colleagues are going to have the same prices and the same crisis very soon. We need to put cost-based rates on electricity in the West.

The Federal Energy Regulatory Commission, which is FERC in California, has said that they have found that these prices are illegal. They are illegal, Mr. Speaker, and yet we continue to have to pay them.

Mr. Speaker, I thank the gentleman from Washington (Mr. MCDERMOTT) for his reservation. We ought to be acting on the crisis that exists in this Nation and not get out of here to save those who make a million or more a year on their tax bills for the coming year.

Mr. Speaker, I ask the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, to do something for California.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I appreciate the reservation of objection of the gentleman from Washington (Mr. MCDERMOTT), because this is truly the wrong moment to be dealing with this issue when we have a crisis of such enormity.

Let us talk about the amount of action that our friends on the Republican aisle want us to take in light of this crisis, which is zero, to the people who have cut their energy use by 40 percent in some instances to conserve electricity in the State of Washington but whose bills have gone up nonetheless.

The message of this bill is tough luck. Mr. Speaker, we need to continue our effort.

Mr. THOMAS. Mr. Speaker, I withdraw my unanimous consent request.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from California withdraws his unanimous consent request.

MOTION TO GO TO CONFERENCE ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. THOMAS. Mr. Speaker, pursuant to section 2 of House Resolution 142, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. THOMAS moves that the House take from the Speaker's table H.R. 1836, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the request of the Senate for a conference thereon.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

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

Mr. Speaker, I have no problem at all debating the issue of energy. My understanding was we had an agreement in which one individual and then a second individual was going to be allowed to participate. No one communicated to this side of the aisle that there were going to be additional people participating.

My understanding is that this place can only function when people operate on the agreements that they reach.

Mr. Speaker, I have more than a willing opportunity to discuss any issue under the motion to instruct in which time is divided equally on either side, but under a reservation on a unanimous consent, the agreement that we had reached was violated by the other side. I believe we should move forward.

Ms. KILPATRICK. Mr. Speaker, today, I rise in opposition to the motion to go to conference on H.R. 1836 the so-called reconciliation measure considered last week. In the House this measure was considered with little notice, without the consultation with, nor input from, the Democratic Party. This measure was crafted in the dead of the night, behind closed doors and now we are instructed to vote to send it to Conference.

I say vote no on the motion to go to conference on H.R. 1836. This measure was reintroduced under the cover of a reconciliation bill in order to deprive the power of the minority in the Senate. The American people should ask themselves: Why couldn't the Republicans Leadership bring this bill up under normal procedures? Why did they resort to procedural tricks in order to thwart the will of the Senate minority? Then, in order to aggravate the situation, the rule passed in the House was a closed one, allowing for only one Democratic Amendment and a motion to recommit. Why was the Republican Leadership in the House afraid of an honest and open debate on this measure?

It is clear that despite Republican claims to the contrary, this reconciliation-bill won't be the only tax cut bill sent to the President this year. Although the budget resolution provided for $1.35 trillion in tax cuts, the Republican wish list includes a total of $2.4 trillion in tax expenditures. Including the interest cost, the total drain on the budget surplus from these tax cuts over ten years would be nearly $3.0 trillion, more than the $2.7 trillion available in the projected surpluses outside Social Security and Medicare.

This bill is essentially the same as H.R. 3, which this Chamber passed earlier in the year. I voted ''no'' then and I will vote ''no'' now. The Joint Tax Committee estimated the cost at nearly $1.0 trillion over ten years, excluding interest, with the wealthy receiving the lion's share of the benefits. According to an analysis by Citizens for Tax Justice, 44 percent of the tax cuts would go to those in the top 1 percent, while the 60 percent of families with incomes of $44,000 or less would get a mere 16.5 percent of the tax cuts. The bill does make a portion of the new bottom 10 percent tax bracket effective in 2001. However, the bill disregards the need for immediate economic stimulus, providing only $5.6 billion in 2001. In a budget of $10 trillion, $5.6 billion is a drop in the bucket and there will be no trickle down economic stimulus resulting from this tax cut.

Democrats offered an alternative tax cut that gave everyone that pays federal income or payroll taxes a tax cut, and provides approximately $60 billion immediate economic stimulus through a rebate of $300 for married couples.

Our alternative was reasonable and fiscally responsible because it left money to address other problems facing our nation. Our tax cut protected Social Security and Medicare and invested in education and prescription drug coverage in Medicare for all seniors.

President Bush ran on the issue of a strong defense, the price of which we have not yet seen. This budget, however, does not even consider the cost of the changes he has advocated to our defense infrastructure. While he deals in theory, our budget dealt with reality. A realistic tax cut that left enough money in the budget to ensure a strong defense.

Democrats believe in tax cuts, but not at any cost. Our tax cut fixed the problem of the Alternative Minimum Tax (AMT) that the Republican bill ignores. It creates a new 12 percent tax rate bracket and expands the Earned Income Tax Credit (EITC). Our alternative even gives marriage penalty relief to couples who use the standard deduction.

Yet our alternative did this at a realistic cost. Our alternative cost $585 billion over ten years, with a total cost of $750 billion including interest.

So, Mr. Speaker, I urge my colleagues to vote no on the Republican tax trick. Vote against the motion to go to conference on H.R. 1836.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS).

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. STARK

Mr. STARK. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. STARK moves that, to the maximum extent permitted within the scope of the conference, the conferees on the part of the House in the conference on H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001, be instructed to produce a Conference Report in which—

1. The revenue losses and associated debt service costs do not grow as a percentage of gross domestic product on either a long or short term basis. In order to do so—

A. The Conference Report shall not include phase-ins longer than 5 years, delayed effective dates, or sunsets.

B. The Conference Report shall include provisions on all of the following issues: marriage penalty relief, increasing per-child tax credit, estate tax relief, pension reform legislation, and permanent extension of the research credit.

C. The Conference Report shall adjust the current law alternative minimum tax so that it does not disallow the benefits of the tax reductions contained in the bill.

2. The Conference Report shall be designed so that its revenue loss and associated debt service costs for each fiscal year do not exceed the projected non-Social Security/non-Medicare surplus for such fiscal year. For

purposes of the preceding sentence, the projected non-Social Security/non-Medicare surplus for any fiscal year is the projected amount of the surplus for such year determined by disregarding the receipts and disbursements of the Social Security and Medicare Trust Funds and by reducing the projected surplus for any year by its ratable portion of $300 billion over the 10-year budget period.

3. The Conference Report provides benefits to every family with children that has income or payroll tax liability and the Conference Report includes inflation adjustments so that the benefits provided to families with children are not reduced over time.

4. The conference committee shall be required to meet in preparing the Conference Report pursuant to House Rule 22.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

Mr. STARK. Mr. Speaker, if the gentleman from California would yield, I think it is almost complete.

The SPEAKER pro tempore. The Clerk will continue to read.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

Mr. FILNER. Mr. Speaker, I reserve the right to object.

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Speaker, I am sorry, how long is the motion that we are not wanting to read? How long is that reading?

The SPEAKER pro tempore. Is the gentleman from California addressing a parliamentary inquiry to the Chair?

Mr. FILNER. Yes.

The SPEAKER pro tempore. The Chair would inform the gentleman that the Clerk is close to finishing reading the motion.

Mr. FILNER. Mr. Speaker, I just again want to register my opinion that this House should be taking up the crisis of electricity in California where my constituents are dying.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. THOMAS. Mr. Speaker, I withdraw the unanimous consent request.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) withdraws his request.

The Clerk will continue to read.

Mr. STARK. Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

Mr. THOMAS. Mr. Speaker, reserving the right to object, and I will not object.

Mr. STARK. Mr. Speaker, if the gentleman will yield, under the reservation of objection of the gentleman from California (Mr. THOMAS), I wanted to say that I felt that the gentleman was correct in his first statement. There was an agreement and the gentleman was absolutely correct. We intruded on his good nature by extending the courtesy that he had offered to us.

Mr. Speaker, I wanted to say that the gentleman was correct in his assumption and his statement of the facts.

Mr. Speaker, I hope we can now get on with the motion to instruct and debate it as we agreed.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for that explanation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from California (Mr. STARK) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. STARK).

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

Mr. Speaker, I am not sure where the Clerk had quite finished, but I would just read the last section or two here, the conference report does provide benefits to every family with children that has income or payroll tax liability, and the conference report includes inflation adjustments so that the benefits provided to families with children are not reduced over time, this is required in our motion to instruct, and that the conference committee shall be required to meet in preparing the conference report pursuant to House Rule 22.

This motion to instruct does have three basic directions, and they deal with constraining the exploding revenue costs.

The motion to instruct requires that the conference report would preserve the funds necessary for Medicare and Social Security which the current bills do not, and it should provide benefits to all families with children that have income or payroll tax liability.

Mr. Speaker, we do, as I mentioned in the last paragraph, require an open conference as provided in the House rules.

Since this tax bill has been written by the Senate, compliance with the House rules is necessary so that there is some input from House Members on the conference report. We should not completely abandon the House's constitutional role on tax legislation.

Both the Senate bill and the various tax bills passed by the House this year affect or create exploding revenue costs.

The revenue costs of the second 5 years in the bill is approximately twice the costs in the first 5 years, and some press estimates have suggested that we could be spending $4 trillion over the next 10 years.

These outyear revenue costs will come at the same time as the retirement of the baby-boom generation, and it will create demands on Medicare and Social Security systems that we will not be able to afford.

□ 1945

The bill is based on rather uncertain surplus protections, but it ignores the certainty of the demographic pressures on the Medicare and Social Security systems.

The bill has gimmicks that artificially reduce the cost of the bill in the 10-year budget window, but blow away the ranch dramatically after the 10-year period. These gimmicks include delayed effective dates, long phase-ins and sunsets. Very few provisions of the Senate bill are fully effective at all times during the budget window.

The conference report uses the current law minimum tax to disallow many of the benefits promised in the big print of the bill. We all know that we will enact legislation addressing the minimum tax, legislation that could increase the cost of this bill by hundreds of billions of dollars.

I am most concerned personally, Mr. Speaker, with protecting Medicare and Social Security. The motion to instruct requires the conferees to construct a conference report that does not invade the Medicare and Social Security surpluses and that reserves funds for a prescription drug benefit. We have committed to preserving Medicare and Social Security surpluses, and there is broad bipartisan support for a Medicare prescription drug benefit. This aspect of the motion to instruct merely requires the conferees to preserve fiscal resources to meet our commitments.

Finally, the motion requires that all families with children that have payroll or income tax liability should receive benefits under the conference report. It is clear that the Republicans will guarantee that the wealthiest segment of our society will receive large benefits from the conference report.

It is only fair that families with payroll tax liability should not be ignored. It is within that context that our motion to instruct conferees is offered and that we ask support for it.

I suspect that the conferees, as few as there are from this side of the Capitol, will meet late into the night. I further suspect that many agreements have been struck in private and have been agreed to even as we talk here this evening.

So as this runs through in a rush to judgment for tomorrow's get-away day, I would hope that this instruction would be taken to heart and imposed upon the conferees to protect some of the frail elderly, the people who depend on Medicare, the lowest-income families in our country who are trying to raise their children in today's turbulent economy.

Mr. Speaker, I urge the adoption of our motion to instruct.

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

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

Mr. Speaker, as is usually the case with motions to instruct, it contains a number of phrases which seem controlling in nature. For example, under the first point and the A section, ''shall not include''; B, ''shall include provisions''; C, ''shall adjust''.

The fact of the matter is that the motion to instruct has no binding capability whatsoever. In fact, if one goes up to the very first line and reads the motion to instruct it says, ''Mr. Stark moves that, to the maximum extent permitted,'' which means any time one reads ''shall'' under here, it has no consequence whatsoever.

However, we should not let this opportunity go by without correcting some of the factual misstatements that have already occurred, not just about the bill that we have in front of us, but about the bills that the House has voted on in terms of modifying the tax obligation of citizens of the United States.

In the bill that the House passed dealing with the child tax credit, which seems to be the thrust of point number three of the listed points in terms of providing benefits to every family with children that has income tax on payroll tax liability, the answer is simple. The bill that passed the House provided for the ability to utilize a refundable credit to cover payroll taxes beyond income taxes.

I would also tell my colleagues it is a factual statement that, on the Senate finance bill which just passed the floor of the Senate by a vote of 62 to 38, not only did they provide a tax credit on a refundable basis to those individuals who do not have income tax liability, but who have also exceeded their payroll tax exposure. So notwithstanding the statements that this is not being done, the fact of the matter is it simply is not true.

As we go through and examine the other structures, we have to remember that this tax conference is being conducted under the budget resolution which passed both the House and the Senate, which said we must pay down the public debt, we must protect the Medicare or HI Trust Fund, we must protect the Social Security Trust Fund, and we are to set aside $300 billion for a prescription drug modernization in Medicare, and there is an additional $500 billion fund which is available for other discretionary programs as the Congress may determine. All of that with an inclusion of a $1.350 trillion tax bill that is the reason for us being here tonight.

So not withstanding the lamentations, the concerns and the wringing of hands, this motion to instruct, which has no binding effect whatsoever, outlines a number of concerns that have already been taken into consideration and are being dealt with.

I believe that the concern of many of my colleagues on the other side of the aisle is to see the Senate move in a bipartisan way with 62 Senators supporting the Senate product and are moving now to a conference.

I am reminded of our days in the minority when the phrase is risky or rushing to judgment, because, frankly, if anybody has bothered to turn on the TV and watch the Senate floor, to describe the Senate rushing to judgment with more than 100 amendments over the last 4 days in which every item was examined and voted on could hardly be described by most people being neutral as rushing to judgment.

Conferences are a unique animal around here. When the House passes a bill that is different than the Senate and the Senate passes a bill different than the House, under the Constitution we are required to reconcile the differences in the bill. That is called going to conference. If it takes an hour, it takes an hour. If it takes a week, it takes a week. The job of the House and the Senate conferees is to reconcile the two bills to be presented back to each House in the same form to be voted up or voted down.

I will tell my colleagues that, if one does not like the product produced out of the bipartisan bicameral conference committee on permanently reducing taxes of hard-working Americans by a $1.350 trillion over the next decade, one has every right and obligation, I believe, to vote no, just as some of your colleagues on the other side of the aisle did.

So let us wait until we have a product before we condemn it; for example, the argument that we do not supply tax relief to those individuals who have no income tax obligation or payroll tax obligation. The product that came from the Senate in fact meets both of those criteria. The product that came from the House met one of them.

Let us kind of turn the flame down until one has an honest actual target to shoot at. This motion to instruct is a gun with no bullets. Wait until we have the product in front of us. If my colleagues do not like it, they can vote no. I think they will find, based upon the House and the Senate coming together, the product will be overwhelmingly accepted, voted on, and signed by the President.

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

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to make a sweeping prediction here to the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, that before I have seen the final product, I am not going to like it. I can assure my colleagues I am not going to like that final product.

This motion to instruct conferees contains many good elements. As the chairman has acknowledged, this is one of the tools of the minority to make a point. I recall the distinguished majority leader of the House now when he was the, I believe, minority second person in command on the Republican side, when he said that the Clinton budget would be fiscal Armageddon; and I recall when the former chairman of the Committee on the Budget, Mr. KUCINICH, the gentleman from Ohio, indicated that we were headed toward a depression with the Clinton budget agreement in 1997. So there are tools that the minority employs from time to time to make a point around here.

The key point of this motion is that the conference report should not include phase-ins longer than 5 years. This limits the ability of each party to push costs we cannot afford now out into the future. It also means that whatever we enact into law would probably stick.

It also is fair to acknowledge that this is truth-in-advertising for the House of Representatives tonight. Nor is it unheard of. As the current chairman of the Committee on Ways and Means has said many times, and I agree with him, the House works off of a 5-year projection. So to ask that this bill is fully phased in within 5 years is simply consistent.

The motion to instruct also asks that the alternative minimum tax be adjusted so that none of the benefits in this bill is reversed by AMT. Again, taxpayers get what they have been promised. Another truth-in-advertising provision.

I would add my personal plea to the leadership on the other side, however, that we explore how to solve, even on a temporary basis, the incentive stock option issue with the alternative minimum tax. As the chairman knows, the interaction of the regular tax treatment of incentive stock options and AMT treatment leads to a tax trap to individuals in a declining market. I have a number of letters on my desk from people who know that right now.

The gentleman from California (Chairman THOMAS) has said to me consistently, and I believe him, that he wants to resolve the AMT issues as they arise and to look at the whole issue sometime in the future. AMT is a serious issue that we have to take up, and I have been on it consistently for a couple of years. I appreciate his sentiments, but this issue is one that taxpayers are facing today. They are filing for bankruptcy, and we cannot wait to resolve this issue in the next year or the year after.

So I request the chairman to seek at least a temporary solution in conference such as removing incentive stock options from the alternative minimum tax for last year and this year while we decide how to permanently resolve the many problems of alternative minimum tax in which I will remind this body multiply and get worse day after day after day.

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

Mr. Speaker, to show my colleagues the seriousness of the minority's offer on the motion to instruct and the gentleman from Massachusetts (Mr. NEAL), in terms of the statement that he just made, especially in dealing with the part A provision that says that it shall not include a phase-in longer than 5 years, I think it would be instructive if some of my friends on the other side of the aisle would revisit the Democrat tax plan which was offered on three separate occasions on the floor of the House which contains on its estate tax structure a 10-year relief period.

So I find it interesting that they are attempting to impose on the conference a standard of time limit which they chose not to impose on themselves in bills that they offered.

That should give my colleagues just one example of the seriousness of the approach of our friends on the other side of the aisle.

Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate all the hard work and time he has put into putting this tax plan together.

As I look at the motion to instruct conferees, I know that the actual motion to instruct violates the very Democrat plan that has been offered here on the floor previous times, as the chairman just mentioned. So not only does it violate the earlier Democratic substitutes that we have seen, it also backs us off of the very important commitments that we have achieved in the budget resolution that we are achieving in this tax bill.

Number one, what we are accomplishing here with this conference report as we roll this through is to put the details into the tax provision of the budget resolution. We have a vision which is the 10-year budget, which has very important priorities but in that budget has very strict provisions that do these things: pays off our public national debt as fast as possible to a very negligible, almost zero dollar amount by the end of this decade.

□ 2000

Two, once and for all, once and for all, for the first time in 30 years, we will stop the raid on the Social Security and Medicare Trust Funds by making sure that we apply those dollars to those very programs, and to pay off the national debt, which helps us with those programs on top of that.

And, third, we see that the American taxpayer, the hard-working families of America, continue to overpay their taxes. After we pay down our debt, after we improve Medicare and Social Security, people are still overpaying their taxes. And that is why we are taking a very important step by giving people some of their money back. We are putting money back into the paychecks of the very hard-working taxpayers who gave us this surplus in the first place.

So what is important to watch is that as we take a look at this motion to instruct, it actually dilutes those commitments. It actually takes us off of the very commitments we seek to achieve, on hopefully a bipartisan basis, which is protecting Social Security and modernizing Medicare, and we have a $300 billion provision to modernize Medicare with a prescription drug benefit; paying down our national public debt; and, yes, as people overpay their taxes, giving them some of their money back. And we are doing it in such a way that it will help stimulate the economy, create jobs in this country and do it, yes, fast enough to make a difference.

Now, as to the criticism that this bill is being rushed through, that just simply is not the case. Take a look at the Senate. We can see they are clearly not rushing things. As the chairman mentioned, amendment after amendment, 110 hours of debate over this bill. Since January, we have been working on this provision. And, as a matter of fact, on these very provisions that we will hopefully be achieving in this bill we have been working on for 3 years. Vote after vote in Congress, bill after bill has been passing Congress. This is the crescendo effort to finally give people some of their money back. It is a bipartisan-bicameral effort.

Mr. Speaker, I urge a ''no'' vote on the motion to instruct.

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the committee.

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

Mr. LEVIN. Mr. Speaker, these bills are not sound tax policy, they are not sound economic policy, and they are not sound social policy.

The conference committee is going to try to put together two bills. In this case, two minuses cannot make a plus. These bills are built on the sands of uncertain estimates. The preceding speaker talks as if the money is in the bank. It is not there. It is not there. These bills will not help in the present. If so, very little. And what they are going to do is to risk our future.

Much of the relief will be backloaded, my colleagues can be assured of that. Most of it will be in the second 5 years. And then, when we project beyond those second 5 years, it will explode in the later years.

Where is the money going to be for the education bill that we just passed? Not raiding Medicare? The plans I have seen for prescription drugs take money out of Medicare, and there is no plan here on the majority side to find it anywhere else.

The chairman of the committee says, well, a conference committee can be 1 hour, 2 hours, 3 days, 4 days. I would bet this is going to be a few hours in a back room without full bipartisan participation: Democrats, Republicans, House and Senate.

Essentially, this bill will not help hardworking Americans. So much of the money goes to the wealthiest. We do not know the percentage yet, but when we see the final product, my colleagues can be sure that it will not overwhelmingly go to hard-working middle-and low-income families.

I urge we support the instruction.

Mr. STARK. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

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

This motion is an attempt to improve a bill that is probably insusceptible to improvement. Indeed, it has always been challenging in discussing this tax measure whether to focus on its fundamental inequity or to consider its gross fiscal irresponsibility, because this measure has embodied so many aspects of both.

It need not have been that way. There has been strong bipartisan support in this Congress for reasonable tax relief. But reason does not seem to be in vogue in Washington this year. Take, for example, the matter of correcting the marriage penalty tax. We could have done that the day after the Inauguration and done it on a unanimous basis in this Congress. Democrats tried in 1995 to implement the so-called Contract on America, but Republicans had higher priorities and they rejected any correction of the marriage penalty in the Committee on Ways and Means.

Again this year, we find very much the same set of priorities. Because the bill that comes to us tonight from the United States Senate does not provide one cent of relief to those Americans who thought they were going to receive marriage penalty correction during this year. They have deferred the entire thing for another 5 or 6 years. So all these pretty photos of married couples and the discrimination they face, they need to know that if we approve the bill that was just approved over at the United States Senate, they will not get a penny of relief out of this bill.

It need not have been that way. The priorities could have been different. A bipartisan moderate approach to resolve the major inequities could have been accomplished, but instead, things like the marriage tax penalty were used as political ploys instead of as a basis for coming about with reasonable reform.

As the Senate Committee on Finance chairman said of the bill this week, quote, one criticism is that this bill's tax cuts are backloaded for high-income taxpayers. In other words, high-income taxpayers receive a lot of relief toward 2011 instead of 2001. This is a true fact, but not a valid criticism. That is some real double-speak.

What it really means is they are loading up these tax cuts in a way that

at the very time more people are making their demands felt as they retire as baby boomers, there will not be the resources there to meet those needs. Need increases, the ability to meet those needs decreases.

And this is part of an overall plan of this administration and those within this Congress. This weekend, the Secretary of the Treasury gave an interview to a paper in London where he called for the total abolition of the corporate income tax. We will see one measure after another. As one of our Republican colleague said, there is another bill pending here. And the special interest lobbyists seeking tax breaks are swarming around it like ants at a picnic. This bill is presented to us tonight as a great picnic for the American people. But all they will get out of it is one series of stings after another.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. Once again, I appreciate the presentation of my colleague from Texas. It is always enjoyable.

There were 62 votes for that tax package today. There were 12 Senators of the gentleman's party who voted for it. And I would urge my friends from California, who just made an impassioned plea about dealing with energy in California, perhaps they should spend a little more time with their Democratic Senators on the other side of the aisle, holding their hands, because the Senator from California, Mrs. Feinstein, voted in favor of the package.

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

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in support of this simple motion calling for some truth in advertising and fiscal honesty in the tax bill.

While we can have honest differences of opinion about the size and structure of the tax cut, we should all be able to shoot straight with the American people about the cost. Unfortunately, it appears that this tax bill will use every budget gimmick in the book, and possibly invent a few more, in order to hide its true cost.

This motion very reasonably asserts that the cost of all tax cuts should be shown honestly and be phased in within 5 years so the costs do not increase dramatically and surreptitiously in later years. The tax bill passed by the other body would delay full implementation of the five most expensive components until 2009 and 2011. More than 70 percent of these costs occur in the second 5 years.

Even worse, the cost of this bill would explode to $4.1 trillion in the next decade, at the very time that the Social Security and Medicare programs will begin to face severe financial challenges with the retirement of the baby boom generation.

This tax bill bets the ranch on surplus projections continuing to grow. If those projections are off just a bit, we will be forced to dip into Medicare trust funds before we even start dealing with the increases for defense or other needs as yet not addressed.

By passing a large backend-loaded gimmick-filled tax cut, we risk returning to the era when deficit spending placed a tremendous drag on our economy and ran up $5.7 trillion worth of debt. Even though I would be delighted to be wrong, I fear we are also squandering our opportunity to strengthen Social Security and Medicare and pay down our national debt.

I do not want my grandchildren to look back 20 years from now and ask why I left them with the tab for tax cutting we will politically enjoy today. I used to think no one else in this body would want to do that either, but I was wrong. The least we owe our grandchildren and the rest of our constituents is a little honesty, and that is what this motion to recommit is all about.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), a gentleman on the Committee on Ways and Means, lest someone believe that the entire State of Texas, based upon the number of speakers who have come to the mike on the other side of the aisle, is all on one side. I would also hasten to indicate that both the Senators representing the great State of Texas voted for the measure that passed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would remind all Members that while it is permissible to comment on a vote in the Senate, it is not permissible, under the precedents of the House and clause 1 of rule XVII, to refer to a particular Senator's vote.

The Chair recognizes the gentleman from Texas (Mr. BRADY) for 3 minutes.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding this time to me.

I think the President is taking, and this Republican Congress is taking a very responsible approach to tax relief in America today. The tax relief under this proposal starts slow and it builds. It grows. As we pay off more and more of the public debt, and as the surplus grows, tax relief grows with it. We do not have a budget surplus in Washington, because I guarantee my colleagues that Washington will spend every dime the taxpayers send up here, but we do have an actual tax surplus because people are paying too much into government for what they are getting for it.

There are people I think in Washington who are still out of touch with the real world, who think we just do not tax people enough, and if we did, that would solve everything. But look at the way real families are taxed in America: When they start their day, they get up in the morning and get a roll or a coffee and pay a sales tax; step in the shower, pay a water tax; jump in the car to go to work, pay a fuel tax.

At work, at the office, they pay an income tax and a payroll tax. At the end of the day, they get back and drive to their home, on which they pay property taxes. They open the door, flip on the light and pay an electricity tax; turn on the television, pay a television tax; pick up the phone, pay a telephone tax. If they are married, when they kiss their spouse good night, they pay a marriage penalty tax, and on and on, until at the end of their life, they die and pay a death tax.

No wonder people have such a hard time making it, why there is not enough money left at the end of the month just to meet the needs of their children, just to provide for retirement, for college, and the day-to-day necessities. Washington needs to get out of the way to give people back more of what they have earned, not what Washington has earned. We need to give them the power to make their decisions for their children, for their schools, for their health care, because we are overtaxing real families in America.

In fact, Tax Freedom Day was just a week or so ago, May 3. That means for most of our families, they worked from New Year's Day to May 3 just to pay their taxes, and then they started working for themselves. So they have worked 5 months into the year before they start working for their children, their family, their own American dream.

The Republican tax relief plan, the President's tax relief plan is a responsible one, one that has more faith in our families than in Washington to squander those dollars. I am convinced, and I am a new member of the committee, that our Tax Code is too complex. I do not agree with the instructions here dictating what that bill will do, because I think bipartisan Members from the House and Senate ought to sit down and ought to work through the complexities of this. This is not the time to dictate. This is not the time to destroy the bipartisanship. This is like getting to the end of the marriage vows and the minister starts making things up.

□ 2015

Mr. Speaker, this ought not be the time we do that. Let us keep a strong, steady path and come forward with a bipartisan tax relief bill that we can all be proud of.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN) and see if he can explain what the Senate representation from Maryland did, without violating House rules.

Mr. CARDIN. Mr. Speaker, I am sorry the gentleman will not be able to refer under the Speaker's admonition how my two Senators voted on this bill; but I think the gentleman will find that they did the right thing.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from California.

Mr. THOMAS. If the gentleman would indicate his intention on the vote on final passage, we might be able to anticipate a comparison between what his Senators did and what the gentleman is doing.

Mr. CARDIN. Mr. Speaker, it would be very consistent with my Senators.

Mr. THOMAS. Mr. Speaker, I thank the gentleman.

Mr. CARDIN. Mr. Speaker, reclaiming my time, budget reconciliation is supposed to be to reconcile this bill with the budget resolution. And our budget resolution spells out a 10-year number that is available for tax relief.

Our motion to instruct basically says let us be honest about that. Let us be sure that the tax provisions are phased in in a way that it is not backloaded. By backloaded, we mean estate tax relief when it does not take effect for 10 years and then explodes in cost at the same time we have problems in funding the Social Security system and the Medicare system because of the baby-boom generation reaching the age of 65.

Mr. Speaker, this motion is basically truth in advertising. Let us put the provisions in and not backload it and have to pay later.

The second thing is that this reconciliation bill ought to speak to our priorities; and I do not think that our priorities ought to be tax cuts today and tax cuts tomorrow and nothing else. We should speak to the fact that we want to pay down the national debt, that we want to preserve Social Security and Medicare and yes, put more money into education like the overwhelming majority of this body voted to do.

Yet if we do not pass this motion, I am afraid that the reconciliation bill will do what the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, said. That is, he wants to put 15 pounds of sugar in a 10-pound bag. It is going to be 30 pounds of sugar in a 10-pound bag. It will squeeze out our ability to do anything else.

Mr. Speaker, I urge my colleagues to support the motion to instruct.

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

Mr. Speaker, the gentleman from Maryland was not in the room when it was pointed out, notwithstanding his eloquence on the provision, that the phase-in should not exceed longer than 5 years. I do want to remind the gentleman that three times on the floor of the House the Democrats presented a tax plan, and I can provide my colleagues, for example, with some of the numbers. Under the estate tax relief, the language of the Democratic plan said in 2002, relief would be at $2 million; in 2003 and 2004, $2.1 million; in 2005 and 2006, $2.2 million; in 2007 and 2008, $2.3 million; in 2009, $2.4 million; and in 2010 and thereafter, $2.5 million.

Mr. Speaker, I appreciate the gentleman asking us to meet a standard higher than they impose on themselves. I happily accept that challenge. But to indicate that we should meet a standard that the Democratic party did not meet in the Democrat's own program is just a little much to take; and, frankly, it brings into question the sincerity of the motion to instruct and the criteria that are placed in that motion to instruct, which is in fact to hold us to a standard the Democrats chose not to hold their plan to.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, if the gentleman looks at the Democratic substitute, the gentleman will find that 95 percent of the provisions take effect within the 5-year window. I think that is pretty good. If the gentleman would agree to live up to that 95 percent standard, I think we would be glad to amend our motion.

Mr. Speaker, the point is that we do not want to have the overwhelming majority of revenue hit when we are in the last years of the bill, and the proposals we are talking about may do that. The Democratic substitutes never do.

Mr. THOMAS. Mr. Speaker, continuing on my time, if the gentleman would look at the Democratic tax plan presented on the floor on three different occasions, the single largest dollar amount under one of the major provisions occurred in 2010; the second largest amount in 2009; the third largest amount in 2008, et cetera.

The point is the Democratic substitute is structured similar to everyone else's. The motion to instruct requires us to meet a standard the other side of the aisle chose not to meet themselves on virtually every one of the items they have in their bill.

Mr. Speaker, I understand their desire and what they want. All I am saying is when the other side of the aisle chooses to impose a standard on the majority, I would hope that the minority would have already honored that standard.

Mr. Speaker, if the gentleman would like to be refreshed on what the Democratic tax plan is, it is here and available.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. My recollection is the gentleman is referring to the provisions concerning the estate tax relief. The other provisions were all phased in within the 5-year window, and the dollar amounts in the estate tax in the last few years was a minor amount in the overall effect of the bill.

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

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

Mr. Speaker, I would tell our distinguished chairman that the Democrats are entitled to one mistake, for instance, the Senate vote from the State of California today; and we had one provision that phases out over 5 years, and I think almost every provision in the chairman's bill phases out over 10 years. I would give him one free kick if that will solve that issue.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, focusing on these phase-ins, if only the Republican bill, if only the gentleman would promise that he would come as close to not backend loading the ultimate bill, as we did in our Democratic plan, he would get my vote against this motion. In fact, instead the House bills explode in the second 10 years to a cost of $4.1 trillion.

We need standards and rules for a unipartisanship-led conference dedicated to such extreme mispackaging of a tax bill.

I want to talk to my Republican colleagues and say this motion to instruct could save a lot of heartache back in their districts because there is a new regime in the Senate. There may be 41 Senators opposed to any further tax cuts. If they let a bill go through that is widely publicized as providing constituents with tax relief, and then they open up their tax booklets at the end of the year and they see that you did not take care of the AMT, and the AMT takes back all of the benefits talked about in the speeches, if they see there is no marriage penalty relief or pension reform and their IRA is still $2,000, and if they see the R&D tax credit has been allowed to expire, they are going to ask why was that allowed to occur? Why did we celebrate a tax bill that did not deal with those provisions? And only a vote for this motion to instruct can be my colleague's defense.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means, and a significant contributor to a number of key issues, including the pension and Individual Retirement Account legislation.

Mr. PORTMAN. Mr. Speaker, just looking at the motion to instruct, I find it interesting that the other side is instructing the conferees to include provisions that were not in the Democratic substitute. I have the Democratic substitute in front of me. There is a requirement twice here that the conference report shall include increasing the per child tax credit, for instance, which was not in the Democratic substitute.

We just heard that we need to add all of these things, and yet when the Democrats offered their own tax bill, it was not included.

I see a permanent extension of the research credit must be included. That is an instruction to the conferees, yet the Democrats have no research and development tax credit in their plan.

There is a discussion here of the AMT saying we shall adjust the current law

AMT tax so it does not disallow benefits. That is in the House-passed bill in conference. That is something that this House took up as part of the legislation.

It has a number of provisions here saying we must be sure that the revenue laws and associated debt service costs do not exceed Social Security and Medicare in the HI Trust Fund. That is included in our budget resolution and included in the House-passed version. And as the chairman said in the Senate-passed bill today, it does not in fact do that.

Mr. Speaker, I would make the suggestion that the motion to instruct is not consistent with the Democrat's own tax plan that they came forward with.

I would make the further point that despite what we have heard here today on the floor, the budget resolution under which this tax provision is provided does provide for tax relief, but only after taking care of Social Security and Medicare in ways this House has never done.

Mr. Speaker, my colleague is shaking his head, but I have spent 8 years here, and I have watched us raid the Social Security and Medicare Trust Fund. We are setting aside all of those trust fund surpluses for those programs in ways that we have not done before.

We are also providing for debt relief in ways that are unprecedented. We will relieve the country of more of our national debt than we have done ever in this House. All of the available debt will be relieved. We also have increases in spending where appropriate: education spending, defense spending.

Yet after all of that, Social Security and Medicare are being preserved, after the debt being handled in a way that is unprecedented and is appropriate, and after increasing domestic discretionary spending, still because there is a $5.6 trillion tax surplus building up in Washington, there is some room left for the folks paying the bills. That is the roughly 25 or 26 or 27 percent of the surplus that is provided for in the tax relief measure that the Senate passed today.

Incidentally, the Senate passed that bill with 12 Democrat Senators supporting it. And in the House, we had tax bills go through which are part of the larger bill with 58, 68 up to 186 Democrats supporting some of the tax provisions in this underlying legislation which we will have an opportunity to vote on in the next day in the House.

Mr. Speaker, the motion to instruct conferees is not consistent with the Democrats' own tax plan; and it seems to be inappropriate to be instructing conferees to be doing something that was not considered appropriate when the Democrats had an opportunity to offer their own plan.

Mr. Speaker, this does fit within the budget nicely. It provides some tax relief to the hard-working Americans that created every cent of that surplus. It is not only reasonable, it has been bipartisan. Twelve senators supported it today. We have votes here in the House that have been bipartisan on most of the provisions that are in the tax bill before us.

Mr. Speaker, I urge that we defeat the motion to instruct and move on to provide the American people with needed tax relief.

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

Mr. Speaker, I do not know what the House rules say about wagering on the House floor, but if the rules were silent, I would be inclined to offer the Republican proponents and my opponents a wager. I would give them, whoever wanted to accept this wager, $1,000 every year that they meet their projected 10-year budget proposal if they would in turn be willing to give me $1,000 for every year in the next 10 years that they do not meet the budget proposal.

□ 2030

I would like to have that memorialized in the CONGRESSIONAL RECORD and hope that I could collect every year for the next 10, and I think I might leave that open for a while.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, the President offers this tax cut plan as his energy plan. He refuses to do anything about prices of energy, which has gone up a thousand percent on the wholesale electrical market in the State of Washington, but instead offers a few dollars in the tax cut plan. As a short-term response to our energy crisis, this is an abject failure; and I will say why and I will say how.

We live in interesting times. Tomorrow we cannot say who is going to control the U.S. Senate, but we know the oil and gas industry is going to control the White House. As a result of that, every single dollar, every single dollar that my constituents might get next year back from this tax cut, maybe 15 bucks a month for a middle-class family, is going to be eaten up several fold by energy companies. They are going to take that couple bucks from Uncle Sam, and they are going to ship it in their envelope to the energy companies, many of them who happen to be the President's political allies.

Now, at a townhall meeting a guy told me he was cutting his energy use, but his prices were skyrocketing. And he said, JAY, that plan, that tax cut plan, sort of reminds me of a money-laundering operation. One just takes the money, launders it through the taxpayers and gives it over to the President's political allies in the energy industry. Why not just cut out the middleman and just give it all to the energy industry, just cut out the middleman?

That would be wrong because we have people losing jobs today in the State of Washington, 43,000 people losing jobs, and the President and the Republican Party will not act on this. It is a travesty. We should be doing a price cap, a price mitigation plan tonight instead of this bill.

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, the gentleman from Washington (Mr. INSLEE) showed the truth of this tax bill. The GOP majority, GOP, gas oil and pollution, is going to make sure that when we leave for our recess we have passed a tax bill 40 to 45 percent of which goes to the wealthiest 1 percent of our population.

The people who live in my district in San Diego, California, will get very little out of this tax bill; and whatever they get, as the gentleman from Washington (Mr. INSLEE) said, is going to go directly to Exxon or to Enron or to any one of those energy companies that is bleeding California dry.

We are going to leave town with that tax bill, but we are going to leave town without doing anything for the people in San Diego or the rest of California or the rest of the West.

The chairman of the committee is from California. He knows we are being bled dry. He knows we are paying $70 billion this year for electricity, whereas 2 years ago we paid $7 billion. The demand has not increased significantly. The costs have not increased significantly. Where is that 10-fold increase going? It is going into the 800 percent, 900 percent, 1,000 percent increase in profits by the major oil companies and the major electricity generators of this country, and yet this Congress is not going to act on the issues confronting California.

The people of California ought to be telling the chairman of the Committee on Ways and Means, solve our crisis. Stop the bleeding in California. Give us a reasonable cost for electricity, and then we can go home and enjoy our vacations.

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

Mr. Speaker, I want to do two things: one, to respond to the offer of a wager of the gentleman from California (Mr. STARK), and I would tell the gentleman that I would be more than willing to risk $1,000 a year over the next 10 years with one proviso. The gentleman is concerned about whether or not we will honor our budgetary numbers and live within our means. I will tell the gentleman that if he makes sure that the Republicans are in the majority for each of those 10 years, I have no question at all that the gentleman would owe me $1,000 a year.

If, however, included in his wager that the gentleman's party regains the majority, I can assure him the American people are going to lose far more than $1,000 each for the rest of their lives.

So, if the gentleman will assure me of a continued majority of the responsible party that has produced a surplus

that we have now, that is not a wager; that is an investment.

I will also tell the gentleman from California (Mr. FILNER), who has repeated this several times, that he is pleading on the floor to stop the bleeding in California, I have to tell my friend, the gentleman from California (Mr. FILNER), it is pretty hard to do it from here because, frankly, the bleeding is a self-inflicted wound.

The gentleman ought to go to Sacramento. His party controls the lower house of the legislature, the upper house of the legislature, and the gubernatorial mansion; and if his party would address supply and demand rather than assuming it is a rock and roll band on the question of delivering energy, California can address its significant level. If California wants to maintain air standards higher than the national level and plead for us to assist them when, in fact, the national level is unsatisfactory for Californians, then I would tell the gentleman once again that this bleeding he cries out for in California is self-inflicted.

Mr. FILNER. The gentleman is here. Would the gentleman from California (Mr. THOMAS) yield to talk about the bleeding in California?

Mr. THOMAS. No, I have no interest in yielding.

Mr. FILNER. * * *

Mr. THOMAS. Mr. Speaker.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman will suspend. Does the gentleman from California (Mr. THOMAS) yield to the other gentleman from California (Mr. FILNER)?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, I am not yielding. I am trying to make a statement in conclusion.

Mr. FILNER. * * *

The SPEAKER pro tempore. The gentleman will suspend. The gentleman is out of order. The time is controlled by the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, in conclusion, as was pointed out by the gentleman from Ohio (Mr. PORTMAN), the majority is always willing to look at motions to instruct if they are, in fact, useful and appropriate. What we have seen during the course of this debate is that the motion to instruct offered by the other side attempts to hold the conference to a time-year standard that they would not hold themselves to, and that beyond that the requirements stated of having to be in this particular tax package are items that they did not hold themselves to.

So it would seem to me that one of the basic standards in examining a motion to instruct to see if it, in fact, is serious and ought to be considered by the majority is to contain provisions which the minority lived up to in its own measure presented on the floor. We found it to be deficient in a number of areas; and, therefore, I would reluctantly urge my colleagues, notwithstanding, I am sure, the meritorious and positive attempt to provide a help to the conference, that we reject this motion to instruct.

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

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think this debate is about several issues; and, frankly, it is about crafting a conference process by this motion to instruct that would allow us to do some of the things that we say in this House we are committed to.

It is interesting that we just voted on an education bill, leave no child behind; but, frankly, with a $1.6 trillion tax bill out of this House we will leave many children behind.

I want to work with my colleagues from California because I need to say to this House the energy crisis, the energy problem, is not a California problem; it is a national problem. Some of us believe that it is important to have short-term relief, and that short-term relief some agree and some disagree may be to eliminate on a temporary basis the gasoline tax that we have and provide dollars to the highway trust fund in substitute of what we are paying out to the richest Americans in this country.

So the motion to instruct might allow us to craft a tax bill that, one, is addressed in the first 5-year period and, two, protects Social Security and Medicare.

I would hope my colleagues would listen to the fact that we cannot spend a bunch of money and try and solve America's problems. This is a good motion to instruct, and we should bring the tax bill down. It should be a reasonable bill. We need to address the energy problem; and if we do so, we need it with the monies that are now being expended in a wasteful manner, giving away to rich people, rich tax dollars, and not helping those who are in need.

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget, to close the debate.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding me this time.

Mr. Speaker, I do not have a large chart. I simply have this piece of paper which I previously have put in the RECORD. On this one sheet of paper, we show the consequences of the conference agreement that we adopted on the budget and the consequences in particular of the tax cut that we are about to send to conference.

This tax cut will have a cost in the area of $1.3 trillion. When one factors into the budget all of the puts and takes, one starts with $5.610 trillion, it seems that everything is possible. My lord, $5.610 trillion. But if we back out the Social Security surplus and then back out the Medicare surplus, the available surplus for policy actions before tax cuts is substantially less than that. It is about $2.6 trillion.

When one backs out the tax cut, we end up with, after interest adjustments, a contingency reserve of $504 billion. There is $504 billion for policy initiatives, for estimating errors, over a period of 10 years. Now that, too, sounds like a lot of money until we look at the bottom line and see that in the first 5 or 6 years that cushion for errors, that contingency reserve, ranges between $12 billion and $30 billion; never a big number, particularly when we consider this: in the puts and takes that I have just mentioned, in getting to this so-called contingency reserve, this cushion fund, there is no calculation for an increase in education, inflation only. No real spending increase in education at all.

More seriously, more importantly, we have in this budget a placeholder number for national defense. It is $325 billion next year, but everybody knows that Mr. Rumsfeld is now transforming our military and will soon be on the Hill, after this is all done, with a request ranging anywhere from $20 billion to $35 billion next year, and probably $250 billion to $350 billion over the next 10 years at a minimum. Nobody disputes that.

I showed this chart today to Mr. Rumsfeld when he testified before our committee. I told him that what we assumed is that he would be up here next year for at least a $20 billion increase.

□ 2045

Each year thereafter, it was staircased by $5 billion until it reached $50 billion. He did not demur to those numbers.

Here is what happens when we factor in defense at that level and when we also factor in to these calculations, emergency spending, which is at the historic average of about $5 billion to $6 billion a year. Next year, the contingency reserve in 2002 is $12 billion. Defense and emergencies alone will need $15 billion. That means we are back in the red again. In 2003, defense and emergencies will need $24 billion. The contingency reserve is $19 billion. In 2004, defense and emergencies will need $31 billion. The reserve is $24 billion. That is how thin the ice gets as a result of this budget and, primarily, as a result of the proposed tax cuts. That is the risk we are taking.

Furthermore, for those who want to say there is still money left for education, there is no money in here for education over and above inflation. That is already factored into the equation. Once we do the defense budget, there is no room left for policy initiatives. There is nothing set aside for Social Security and Medicare, other than what they will accumulate in their own trust funds.

That is why I am opposed to this budget. It comes too close to the margin, too close for comfort, and leaves no room for error. I think everybody should bear that in mind, because this motion to recommit tonight at least says, let us take the tax bill and try to make it as well-contained as we can within the parameters of the budget we have here. That is the least we can do, is send our conferees to the conference committee and tell them, do a better job than either House has yet done in fitting this tax bill into a budget reality.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to instruct.

The question is on the motion to instruct offered by the gentleman from California (Mr. STARK).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STARK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 210, not voting 24, as follows:

[Roll No. 146]

YEAS—198

Abercrombie	Edwards	Larson (CT)
Ackerman	Engel	Lee
Allen	Eshoo	Levin
Andrews	Etheridge	Lewis (GA)
Baca	Evans	Lipinski
Baird	Farr	Lofgren
Baldacci	Fattah	Lowey
Baldwin	Filner	Lucas (KY)
Barcia	Ford	Luther
Barrett	Frank	Maloney (CT)
Bentsen	Gephardt	Maloney (NY)
Berkley	Gonzalez	Markey
Berman	Gordon	Mascara
Berry	Green (TX)	Matheson
Bishop	Gutierrez	Matsui
Blagojevich	Hall (OH)	McCarthy (MO)
Blumenauer	Harman	McCarthy (NY)
Bonior	Hastings (FL)	McCollum
Borski	Hill	McDermott
Boswell	Hilliard	McGovern
Boucher	Hinchey	McIntyre
Boyd	Hinojosa	McKinney
Brady (PA)	Hoeffel	McNulty
Brown (FL)	Holden	Meehan
Brown (OH)	Holt	Meek (FL)
Capps	Honda	Meeks (NY)
Capuano	Hooley	Menendez
Cardin	Hoyer	Millender-McDonald
Carson (IN)	Inslee	Miller, George
Carson (OK)	Israel	Mink
Clay	Jackson (IL)	Mollohan
Clayton	Jackson-Lee (TX)	Moore
Clyburn	Jefferson	Moran (VA)
Conyers	John	Nadler
Costello	Johnson, E. B.	Napolitano
Coyne	Jones (OH)	Neal
Cramer	Kanjorski	Oberstar
Crowley	Kaptur	Obey
Cummings	Kennedy (RI)	Olver
Davis (CA)	Kildee	Ortiz
Davis (FL)	Kilpatrick	Owens
Davis (IL)	Kind (WI)	Pallone
DeFazio	Kleczka	Pascrell
DeGette	Kucinich	Pastor
Delahunt	LaFalce	Payne
DeLauro	Lampson	Pelosi
Deutsch	Langevin	Phelps
Dingell	Lantos	Pomeroy
Doggett	Larsen (WA)	Price (NC)
Doyle		

Radanovich	Scott	Thompson (MS)
Rangel	Serrano	Thurman
Reyes	Sherman	Tierney
Rivers	Shows	Towns
Rodriguez	Skelton	Turner
Roemer	Slaughter	Udall (CO)
Ross	Snyder	Udall (NM)
Rothman	Solis	Velazquez
Roybal-Allard	Spratt	Waters
Rush	Stark	Watt (NC)
Sabo	Stenholm	Waxman
Sanchez	Strickland	Weiner
Sanders	Stupak	Wexler
Sandlin	Tanner	Woolsey
Sawyer	Tauscher	Wu
Schakowsky	Taylor (MS)	Wynn
Schiff	Thompson (CA)	

NAYS—210

Aderholt	Granger	Peterson (MN)
Akin	Graves	Peterson (PA)
Armey	Green (WI)	Petri
Bachus	Greenwood	Pickering
Baker	Grucci	Pitts
Ballenger	Gutknecht	Platts
Barr	Hall (TX)	Pombo
Bartlett	Hansen	Portman
Barton	Hart	Pryce (OH)
Bass	Hastings (WA)	Putnam
Biggert	Hayes	Quinn
Bilirakis	Hayworth	Ramstad
Blunt	Hefley	Regula
Boehlert	Herger	Rehberg
Boehner	Hilleary	Reynolds
Bonilla	Hobson	Riley
Bono	Hoekstra	Rogers (KY)
Brady (TX)	Horn	Rogers (MI)
Brown (SC)	Hostettler	Rohrabacher
Bryant	Houghton	Ros-Lehtinen
Burr	Hulshof	Roukema
Burton	Hunter	Royce
Buyer	Hutchinson	Ryan (WI)
Callahan	Hyde	Ryun (KS)
Calvert	Isakson	Saxton
Camp	Issa	Schaffer
Cantor	Istook	Schrock
Capito	Jenkins	Sensenbrenner
Castle	Johnson (CT)	Sessions
Chabot	Johnson (IL)	Shadegg
Coble	Johnson, Sam	Shays
Collins	Jones (NC)	Sherwood
Combest	Keller	Shimkus
Condit	Kelly	Shuster
Cooksey	Kennedy (MN)	Simmons
Cox	Kerns	Simpson
Crane	King (NY)	Skeen
Crenshaw	Kingston	Smith (MI)
Cunningham	Kirk	Smith (NJ)
Davis, Jo Ann	Knollenberg	Smith (TX)
Davis, Tom	Kolbe	Souder
Deal	Latham	Spence
DeLay	LaTourette	Stearns
DeMint	Leach	Stump
Diaz-Balart	Lewis (CA)	Sununu
Doolittle	Lewis (KY)	Sweeney
Dreier	Linder	Tancredo
Duncan	LoBiondo	Tauzin
Dunn	Lucas (OK)	Taylor (NC)
Ehlers	Manzullo	Terry
Ehrlich	McCrery	Thomas
Emerson	McHugh	Thornberry
English	McInnis	Thune
Everett	McKeon	Tiahrt
Ferguson	Mica	Tiberi
Flake	Miller (FL)	Toomey
Fletcher	Miller, Gary	Traficant
Foley	Moran (KS)	Upton
Fossella	Morella	Vitter
Frelinghuysen	Myrick	Walden
Gallegly	Nethercutt	Walsh
Ganske	Ney	Wamp
Gekas	Northup	Watkins
Gibbons	Norwood	Watts (OK)
Gilchrest	Nussle	Weldon (FL)
Gillmor	Osborne	Weldon (PA)
Gilman	Ose	Weller
Goode	Otter	Wicker
Goodlatte	Paul	Wolf
Goss	Pence	Young (FL)

NOT VOTING—24

Becerra	Dooley	Rahall
Bereuter	Frost	Scarborough
Cannon	Graham	Shaw
Chambliss	LaHood	Smith (WA)
Clement	Largent	Visclosky
Cubin	Moakley	Whitfield
Culberson	Murtha	Wilson
Dicks	Oxley	Young (AK)

□ 2108

Messrs. GOODLATTE, WATTS of Oklahoma, ISSA, BUYER, and BALLENGER changed their vote from ''yea'' to ''nay.''

Mr. HOLT changed his vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the Chair appoints the following conferees: Messrs. THOMAS, ARMEY, and RANGEL.

There was no objection.

GENERAL LEAVE

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1836.

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

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report on the resolution (H. Res. 147) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

WELCOMING HIS HOLINESS KAREKIN II, SUPREME PATRIARCH AND CATHOLICOS OF ALL ARMENIANS, ON HIS VISIT TO UNITED STATES AND COMMEMORATING 1700TH ANNIVERSARY OF ACCEPTANCE OF CHRISTIANITY IN ARMENIA

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 139) welcoming His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States and commemorating the 1700th anniversary of the acceptance of Christianity in Armenia, and I ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. LANTOS. Mr. Speaker, reserving the right to object, and I will not object, I would like to make a few observations concerning this resolution.

Mr. Speaker, I am pleased to join my colleague, the gentleman from Mississippi (Mr. WICKER) and others in extending a warm and sincere welcome to His Holiness, Karekin II, Supreme Patriarch and Catholicos of All Armenians.

His Holiness' visit to the United States is a monumental occasion for the American Armenian community and for Armenians everywhere. His visit marks the 1,700th anniversary of Christianity in Armenia. I want to congratulate the Armenian people on carrying this proud tradition through 17 centuries.

This important resolution shows the support and good will that the United States Congress has towards the Armenian people everywhere and here in this country.

I believe that this resolution spells out important positions of the U.S. Congress. It commends the richness of the Armenian heritage, and it celebrates the contribution of Armenian Americans to the cultural diversity of our Nation.

I want to note the strength and the perseverance of this tradition. For over 70 years, the Armenian Christian faith was suppressed in the Soviet Union, and Armenian religious leaders were imprisoned or exiled. Today, after more than 70 years of Communist rule, Armenians in Armenia have been able to return to practicing their faith.

I want to thank my colleague for introducing this resolution, and I urge all of my colleagues to join me in supporting it.

Mr. WICKER. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I thank my friend, the gentleman from California, for yielding to me.

Mr. Speaker, I am also pleased to rise in favor of House Concurrent Resolution 139, which I introduced only a few days ago with strong bipartisan support.

□ 2115

Mr. Speaker, I would also like to thank the leadership for recognizing the importance of this resolution and ensuring its speedy consideration.

We welcome his Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States. We commemorate the 1700th anniversary of Armenia's acceptance of Christianity.

The Catholicos' visits and upcoming commemoration of the United States provides the ideal opportunity for the House to bring attention to the shared values and ideals of the United States, Armenia, and the Armenian church.

The Armenian people have lived in their homeland for more than 3,000 years, creating a unique civilization rich in culture. The Christian world's links to the past are intertwined with the Armenian church.

In fact, two of Jesus' disciples, Saint Thaddeus and Saint Bartholomew introduced Christianity in Armenia and were among the original founders of the Armenian Church.

In 301 AD, Saint Gregory the Illuminator brought Christianity to the entire country, leading Armenia to declare Christianity the official religion, making it the first Christian state in the world.

The Armenian Church has made great contributions often during times of strife and oppression as my friend from California (Mr. LANTOS) has pointed out, over the last 17 centuries.

Armenian Church leaders opened schools, cared for the sick and needy, and created an alphabet for Armenia and the Republic of Georgia in order to make scriptures more accessible to the people.

Armenians' devotion to God led them to create distinctive styles of manuscript illumination, architecture, sculpture, and textiles that are recognized as masterpieces of Christian art and as major contributions to world art. The Armenian Church continues to make significant contributions today through its ministry at home and its active participation in ecumenical bodies uniting Christians of all denominations throughout the world.

Mr. Speaker, in the coming days, more than 100 communities around the United States will be celebrating this great anniversary with special worship and ecumenical services. Mr. Speaker, I am pleased to author this resolution welcoming the Catholicos to the United States and honoring the 1700th anniversary of Christianity in Armenia.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution and affirming our strong ties and relationship with Armenia and the Armenian Church.

Mr. BONIOR. Mr. Speaker, it gives me great pleasure to welcome the world leader of the Armenian Church, Catholicos Karekin II, Supreme Patriarch and Catholicos of All Armenians, to celebrate the 1700th anniversary of Armenia's conversion to Christianity. His Holiness is a great moral and spiritual leader and it is an honor to have him as a guest in our country.

In 301 A.D., Armenia became the first Christian state in the world. At the time, Saint Gregory the Illuminator Christianized the entire country of Armenia, was consecrated the first Catholicos of Armenia, and baptized King Drtad of Armenia as a Christian. Consequently, King Drtad declared Christianity to be the official religion of Armenia.

Throughout our nation, Armenian communities will celebrate the 1700th anniversary of the coming of Christianity in Armenia with special worship and ecumenical services. On this day, we join the Armenian community, and His Holiness in celebrating the ideals and values shared by the people of the United States, the people of Armenia, and the Armenian Church in America.

It is truly a rare opportunity to have an important world religious leader such as His Holiness here with us to share his wisdom. His Holiness is accompanied by a large delegation consisting of the Supreme Council's members and high-ranking clergy. Mr. Speaker, I'm sure you join me in wishing His Holiness Karekin II, and the delegation, the best on his first official pontifical tour of the United States.

Mr. LANTOS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 139

Whereas the Armenian people have lived in their homeland for more than 3,000 years and created a unique civilization;

Whereas two of Jesus Christ's own disciples, Saint Thaddeus and Saint Bartholomew, introduced Christianity in Armenia and were the original founders of the Armenian Church;

Whereas in 301 A.D., Saint Gregory the Illuminator Christianized the entire country of Armenia, was consecrated the first Catholicos of Armenia, and baptized King Drtad of Armenia as a Christian;

Whereas in 301 A.D., King Drtad declared Christianity to be the official religion of Armenia, making it the first Christian state in the world;

Whereas Armenian Church leaders opened schools, cared for the sick and needy, and created alphabets for Armenia and Georgia to make the Scriptures more accessible to the people;

Whereas Armenians' devotion to God led them to create distinctive styles of manuscript illumination, architecture, sculpture, and textiles, that are recognized as masterpieces of Christian art and as major contributions to world art;

Whereas the Armenian Church has persevered in its faith throughout the past 17 centuries in cultures that were hospitable to it and others that were hostile;

Whereas the Armenian Church actively participates in ecumenical bodies and movements, uniting Christians of all denominations world-wide;

Whereas more than 100 communities throughout the United States will celebrate the 1700th anniversary of the acceptance of Christianity in Armenia with special worship and ecumenical services;

Whereas in celebration of the 1700th anniversary, His Holiness Karekin II will visit the United States;

Whereas the 1700th anniversary is an appropriate occasion to celebrate the ideals and values shared by the people of the United States, the people of Armenia, and the Armenian Church in America;

Whereas representatives of the Christian, Jewish, and Muslim faiths, including representatives of the Armenian Church, the National Conference of Catholic Bishops, and the National Council of Churches of Christ in the U.S.A., will celebrate an ecumenical prayer service on May 30, 2001, at the Catholic Basilica of the National Shrine of the Immaculate Conception on the occasion of the 1700th anniversary;

Whereas the Armenian Church, the National Conference of Catholic Bishops, and the National Council of Churches of Christ in the U.S.A. have chosen the theme ''Walking Together in the Light of Our Lord'' as the message to embrace the ecumenical spirit of brotherhood on the occasion of the 1700th anniversary; and

Whereas the Armenian Church has established parishes throughout the United States and has contributed to the quality of religious life in this Nation: Now, therefore, be it

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

(1) congratulates the Republic of Armenia on the occasion of the 1700th anniversary of the acceptance of Christianity in Armenia;

(2) welcomes His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States; and

(3) joins with the people of Armenia, the Armenian Church in America, and His Holiness Karekin II in celebrating the ideals and values they share with the people of the United States.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WICKER. 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. 139.

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

There was no objection.

ADDITIONAL MEASURES WITH RESPECT TO PROHIBITING THE IMPORTATION OF ROUGH DIAMONDS FROM SIERRA LEONE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–75)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to expand the scope of an existing national emergency in response to the unusual and extraordinary threat posed to the foreign policy of the United States by the Government of Liberia's complicity in the illicit trade in diamonds from Sierra Leone by the insurgent Revolutionary United Front of Sierra Leone (RUF) and by the Government of Liberia's other forms of support for the RUF. I also have exercised my statutory authority to issue an Executive Order that prohibits the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia. These actions are mandated in part by United Nations Security Council Resolution 1343 of March 7, 2001.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under the IEEPA and the United Nations Participation Act, 22 U.S.C. 287c, to implement this prohibition. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive Order.

I am enclosing a copy of the Executive Order I have issued. The Order was effective at 12:01 a.m. eastern daylight time on May 23, 2001.

I have authorized these measures in furtherance of Executive Order 13194 of January 18, 2001, and in response to the Government of Liberia's continuing facilitation of and participation in the RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF. The Government of Liberia's actions in this regard constitute an unusual and extraordinary threat to the foreign policy of the United States because they directly challenge United States foreign policy objectives in the region and the rule-based international order that is crucial to the peace and prosperity of the United States.

In Executive Order 13194, President Clinton responded to the RUF's illicit arms-for-diamonds trade that fuels the brutal, decade-long civil war in Sierra Leone by declaring a national emergency and, consistent with United Nations Security Council Resolution 1306, by prohibiting the importation into the United States of all rough diamonds from Sierra Leone except for those importations controlled through the certificate of origin regime of the Government of Sierra Leone. In a report issued on December 14, 2000, the United Nations Panel of Experts established pursuant to resolution 1306 found that diamonds represent a major and primary source of income for the RUF to sustain and advance its military activities; that the bulk of the RUF diamonds leaves Sierra Leone through Liberia; and that such illicit trade cannot be conducted without the permission and involvement of Liberian government officials at the highest levels. The Panel recommended, among other things, a complete embargo on all diamonds from Liberia until Liberia demonstrates convincingly that it is no longer involved in the trafficking of arms to, or diamonds from, Sierra Leone.

On March 7, 2001, the Security Council unanimously adopted resolution 1343 to impose sanctions against the Government of Liberia. The resolution determined that the Government of Liberia's active support for the RUF in Sierra Leone and other armed rebel groups in neighboring countries constitutes a threat to international peace and security in the region and decided that all states shall impose an immediate arms embargo on Liberia and also shall impose travel and diamond bans on Liberia on May 7, 2001, unless the Council determined before that date that the Government of Liberia had ceased its support for the RUF and for other armed rebel groups and, in particular, had taken a number of concrete steps identified in the resolution. In furtherance of this resolution, the Secretaries of State, Commerce, and Defense have taken steps, under their respective authorities, to implement the arms embargo.

With regard to the travel ban and diamond embargo, the Government of Liberia has failed, notwithstanding the two-month implementation period granted by resolution 1343, to honor its commitments to cease its support for the RUF and other armed rebel groups. As a result, the Security Council did not determine that Liberia has complied with the demands of the Council.

In Proclamation 7359 of October 10, 2000, President Clinton suspended the entry as immigrants and nonimmigrants of persons who plan, engage in, or benefit from activities that support the RUF or that otherwise impede the peace process in Sierra Leone. The application of that Proclamation implements the travel ban imposed by resolution 1343.

Finally, for the reasons discussed above and in the enclosed Executive Order, I also have found that the Government of Liberia's continuing facilitation of and participation in the RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF contribute to the unusual and extraordinary threat to the foreign policy of the United States described in Executive Order 13194 with respect to which the President declared a national emergency. In order to deal with that threat, and consistent with resolution 1343 and this finding, I have taken action to prohibit the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated there, in order to contribute to the international effort to bring a prompt end to the illicit arms-for-diamonds trade by which the RUF perpetuates the tragic conflict in Sierra Leone. This action, as well as those discussed above, also expresses our outrage at the Government of Liberia's ongoing contribution to human suffering in Sierra Leone and other neighboring countries, as well as its continuing failure to abide by international norms and the rule of law.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 23, 2001*.

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.

A LOOK BACK AT THE BATTLE OF IWO JIMA

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. Mr. Speaker, everybody knows about Iwo Jima and the horrible battle that took place there back in 1945.

This weekend an organization called Freedom Alliance is going to have a number of specials on this on the Fox News Channel, and I hope all of my colleagues have a chance to see this.

The Freedom Alliance founder and Honorary Chairman, Lieutenant Colonel Oliver North, will be hosting a 60-minute documentary this weekend on the Fox News channel outlining the bloody battle, Iwo Jima during World War II.

He will interview survivors from Iwo Jima and Marines who played crucial roles in the pivotal battle in the Pacific for the special which is entitled War Stories with Oliver North.

This will air three times on the Fox News channel over Memorial Day weekend. I urge all of my colleagues to watch. The times and dates are as follows: on Saturday, May 26 at 10 p.m. Eastern; 7 p.m. Pacific it will be on; Sunday, May 27, 8 p.m. Eastern; 5 p.m. Pacific; and Monday, May 28, noon Eastern, 9 a.m. Pacific.

The battle for Iwo Jima which was fought during February and March of 1945 was one of the bloodiest battles of World War II, nearly 7,000 U.S. military personnel lost their lives and 16,000 were wounded. Most of them were Marines.

Mr. Speaker, when the island was secured on February 23, 1945, five Marines and one Navy Corpsman raised the Stars and Stripes on Mt. Suribachi, the highest point on the island. Associated Press photographer Joe Rosenthal captured the historic moment on film and the Marines Corps War Memorial, which now stands at the north end of Arlington National Cemetery in Washington, was sculpted from that famous photograph.

This fascinating and informative television special this weekend is worth all of our time. I hope my colleagues will watch it.

On this Memorial Day, Oliver North and the Freedom Alliance salute all the men and women of our Armed Forces whose lives were taken in the defense of America's liberty. We continue to pray also for the safety of our soldiers, sailors, airmen and Marines who serve today.

Mr. Speaker, I hope all of my colleagues will take the time this weekend to watch this very important.

The SPEAKER pro tempore (Mrs. CAPITO). Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear here after in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

(Mr. SCHAFFER addressed the House. His remarks will appear here after in the Extensions of Remarks.)

REBUTTING ARGUMENTS OF MOTION TO INSTRUCT ON H.R. 1836

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Madam Speaker, I rise to use these 5 minutes to rebut some of the recent comments of the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means.

He stood here and he urged that the House not vote for the motion to instruct put forward by the Democratic side. His argument was that that motion committed this House to provide for alternative minimum tax relief, marriage penalty relief, R&D credit extension, and that the Democratic tax alternative had not provided for each of those items.

Let me put it into context. The Democrats came here with an alternative that provided only $750 billion. It sounds odd, only $750 billion, but that is a much smaller sum than the $1.35 trillion that the Republican tax bill provides.

My colleagues can be certain that if we Democrats had thought the country could afford a $1.35 trillion tax cut, that we would not have left out AMT relief, and we would never come to this floor and give with the right hand income tax relief and then take it back with the alternative minimum tax, the portions of the Internal Revenue Code that do not apply to many Americans today, but will apply under the tax bill brought forward by the majority.

We Democrats would not come with a $1.35 trillion tax cut that left out pension reform or left out the R&D tax credit. A number of Republicans did not vote for that motion to instruct, but I urge them to work behind the scenes to make sure that the conference follows those instructions, otherwise that conference will be tempted to put virtually all of that $1.35 trillion in tax relief in the hands of the wealthiest 1 percent of Americans and to leave out pension reform, to leave the IRAs at a mere 2K instead of the $5,000 that should be allowed.

That conference committee will be tempted to leave out marriage penalty relief or to leave ordinary working families subject to an alternative minimum tax that was never designed to apply to them. That conference committee may be tempted to do so because they will believe that they can provide $1.35 trillion in tax relief to the very wealthy and then come back again with another tax cut bill for the AMT and another tax cut bill to extend the R&D tax credit, but beware, the Senate may be in other hands very soon.

We may have a majority leader who says that $1.35 trillion is all the tax relief that America can afford. We may have 41 Senators not willing to end debate on any bill that expands that tax cut to way beyond what is prudent. So the tax bill my colleagues vote for today or tomorrow or at the end of this week may be the only tax relief bill you vote for. If that bill provides only huge cuts to the very wealthy and does not deal with the AMT and the R&D tax credit, does not provide any estate tax relief, although I think my colleagues can be pretty sure it will in that one area, if that one bill leaves the IRA at a mere 2K, then my colleagues' constituents will say we heard about the big tax cut, where is ours?

My colleagues will have to say I did not vote for the Democratic motion to instruct, and we ended up with a $1.3 trillion tax cut that left you out. I could have done something about it, but I did not because I wanted to stick with my party.

We may only have one tax cut bill this year. We may have only one tax cut bill this Congress, and I hope that those on the other side will work behind the scenes, will have access to the unipartisan conference that is really drawing the tax bill, and will say do not leave these critical elements out and do not assume that you can feast on appetizers now and eat the meal later.

The diet only provides for $1.35 trillion in tax cuts, but then the gentleman from Kern County went on to make some statements not about the motion to recommit but rather about the energy crisis in California. And I am sure he will be here tomorrow to explain or retract his remarks, but he said that California should not get any relief because our wounds are self-inflicted.

Do not join the California haters, allow California to regulate the wholesale price of electricity and do not say that our people should suffer on the theory that our wounds are self-inflicted. We will be back an hour from now to detail this energy crisis and explain how the wounds of California are inflicted upon us by mega-corporations based in Texas and the only mistake we made was to trust, to trust those companies who are now taking advantage of this situation.

□ 2130

The SPEAKER pro tempore (Mrs. CAPITO). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear here after in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

(Mr. ENGEL addressed the House. His remarks will appear here after in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

(Mr. RUSH addressed the House. His remarks will appear here after in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

(Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COMMENDING WESTERN WISCONSIN COMMUNITY VOLUNTEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Madam Speaker, I am pleased to rise this evening to honor the many flood relief volunteers who have worked tirelessly these past few weeks throughout my home congressional district along the Mississippi River in western Wisconsin. Through their many acts of selfless dedication, they rose as one to meet the challenges of adversity brought on by the flooding waters.

In fact, Madam Speaker, Tawni and I are kind of redefining the term ''feel your pain,'' because on Easter morning, Tawni and I and our two little boys, Johnny and Matt, woke up to discover that the Mississippi River was to the east of us rather than to the west of us. We thought now may be a good time to load the boys in a canoe and paddle to high ground to seek safe shelter elsewhere. In fact, many of the church bulletins on Easter morning read ''He has risen and so has the river.''

While some of us had to temporarily leave our houses and others lost possessions, I believe all of us gained something very valuable being witness to the extraordinary efforts made by friends, neighbors and strangers alike, all helping each other in a shared time of need.

Madam Speaker, I would like to specifically commend both the American Red Cross, who provided over 10,000 meals to residents, emergency workers, and volunteers, as well as providing much-needed temporary shelter for those displaced from their homes, as well as the Salvation Army, who provided additional assistance by preparing meals for weary workers and residents.

In addition, I wish to recognize the men and women of Wisconsin's fire departments, police departments, the National Guard, and all other emergency personnel who worked unceasingly to pump the water out and man the barriers to stem the force of the flooding.

Madam Speaker, lastly, the faith I have always had in our Nation's youth proved to be well founded when the students from the Challenge Academy at Fort McCoy, Fountain City High School, Winona High School, Boscobel and Prairie du Chien High School, as well as students at the University of Wisconsin La-Crosse, Winona State University, and a number of other schools spent their time and, for some, their spring breaks to help fill and stack sandbags and man the dikes and levees during this time of need.

Madam Speaker, the multitude of ways residents of western Wisconsin found to help each other was truly inspiring. It is at times like these when one better appreciates what Wisconsin people are all about. There is still work to be done to recover from this year's flooding and to assure that we are well prepared if such events occur in the future, but we know that the community spirit fostered by the acts of generosity and the selflessness by people of Wisconsin's Third Congressional District will be long remembered long after the mighty Mississippi returns to its gentle and peaceful pace.

I wish to also extend thanks to community leaders who reacted quickly and effectively to control the flooding and provide aid to those directly affected by it.

Special thanks need to go out to the mayors of these water communities, as well as county emergency government officials, who made advanced flood preparation and coordinated relief efforts as possible.

I especially want to recognize a few individuals by name: Crawford County Emergency Government Director Roger Martin; Grant County Emergency Director Steve Braum; La Crosse County Emergency Director Al Spalding; La Crosse Public Works Director Pat Caffrey; Trempealeau County Emergency Government Director William Zagorski, who had just started the job 2 weeks prior to the flooding. Talk about getting your feet wet in a new position. Buffalo County Emergency Director Monica Herman, Pierce County Emergency Director Myrna Larrabee, Vernon County Management Director Cindy Ackerman, St. Croix Emergency Management Director Jack Colvard, and Pepin Emergency Management Director John Egli.

All served the people of western Wisconsin extremely well, and I extend my gratitude to them.

Much appreciation and thanks go out to the members of the community and of the region who pulled together during the time of need. It truly was inspiring seeing how people in a particular region can really come together for a common cause.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

(Mr. HONDA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PEACE OFFICER DEATHS IN HARRIS COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, I rise today with a heavy heart to talk about recent events in my hometown of Houston. On Tuesday, May 22, while we were in session, the law enforcement community suffered several tragedies.

First, during routine investigation of a dispute over damage to a car between a brother and sister, Harris County Sheriff's Deputy Joseph Dennis was killed. Deputy Dennis, while responding to the complaint, was informed that the brother had just driven through the area. He proceeded to pursue the young man, and, in the process of apprehending him, was shot while attempting to handcuff the assailant.

The suspect fled the scene, but was tracked down later in the evening and arrested with the murder weapon, the deputy's weapon, and the handcuffs still in place on his left wrist.

Later that evening, Houston Police Officers Albert Vasquez and Enrique Duharte-Tur, two of several officers working off-duty jobs as security guards at an apartment complex, were shot while apprehending five suspects in drug-related charges.

Officer Vasquez was killed instantly while Officer Duharte-Tur remains hospitalized in critical condition. The suspect in this killing was also wounded and apprehended at the scene.

Additionally, last Sunday, May 19, HPD Officer Carlton Jones was killed when his vehicle flipped over while on a routine patrol in my congressional district.

These deaths are in addition to the loss of Harris County Deputies Oscar Hill, J. C. Risley, and Barret Hill, all of whom were killed in separate incidents in the line of duty over the last 11 months in Harris County.

Harris County, where Houston is located, is leading the Nation in the grim category of peace officers killed according to the National Law Enforcement Officers' Fund.

This recent spate of fatalities comes a week after Congress highlighted the dangers that the men and women of law enforcement face every day with National Police Officers' Week and National Peace Officers' Memorial Day. It serves as a reminder of the bravery and dedication of those who put their lives on the line to protect our families, our homes, and our communities.

Peace officers and their families know better than anyone the perils and risks involved in their job. Yet every day, they put on a badge and make our Nation a safer place.

While we should never forget these officers, we also need to remember their spouses, their children and friends who miss them dearly. Our hearts go out to those survivors who are trying to cope with saying goodbye to a loved one. We are indebted to the survivors for the courage of these officers, and we share their grief and offer kind words knowing that it is a poor substitute for their loss.

Every day, ordinary men and women make an extraordinary commitment when they put on a badge that symbolizes the oath they take to protect and serve. The badge also makes them a target. Every day, they leave their families behind not knowing if they will come home tonight.

Madam Speaker, I invite my colleagues to join me as a cosponsor of H.R. 94, the Law Enforcement Officers' Flag Memorial Act of 2001. This legislation seeks to honor slain law enforcement officers by providing their families a Capitol-flown U.S. flag.

In the meantime, Congress should continue to make sure that we keep our commitment to the law enforcement community by providing funding for more officers, better equipment, and advanced training. It not only saves the lives of officers, but it makes our families, our homes, and our neighborhoods a safer place.

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.)

GLOBAL WARMING AND THE KYOTO PROTOCOL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Madam Speaker, I thank the Speaker for this opportunity to address the House and join my colleagues to talk about global warming, to talk specifically about the Kyoto Protocol and the language that is currently in the bill of the Committee on International Relations, the authorizing bill for the State Department to implement the Kyoto Protocol.

I am disappointed that there was not an amendment on the floor to take that particular amendment out of this legislation, because I think the consequences of implementing the Kyoto Protocol are so dramatic that it deserves a discussion before this House. That is why we have joined in this special hour to talk about the consequences if America was to implement the Kyoto Protocol. It is a bad deal for America, and the conferees should examine the implementation language in this bill.

Let me just say that, under this protocol, by 2008 to 2012, the U.S. would be required to slash emissions of greenhouse gases to 7 percent below the 1990 level. That level was last achieved in 1979. Based on projections of the future growth in U.S. energy use, this would require a real cut in emissions of over 30 percent. In the meantime, major greenhouse gas emitters, such as China, India, Mexico, Brazil, would be able to continue business as usual.

Let me just review the numbers of the total income in this country. The GDP in 1979, it was four trillion eight hundred sixty-nine. Today the GDP, or the total income, the total production of this country is nine trillion one hundred ninety-three.

So based on that kind of efficiency that we had back in 1979, we would have to cut the gross domestic product, the output of this country in half. Of course we have increased our energy efficiency a little bit so, not totally half. But a dramatic change.

So what we are going to be discussing tonight is how scientific is the evidence of global warming, how good is the scientific evidence of how much man contributes to that global warming.

Madam Speaker, I yield to the gentleman from Texas (Mr. BARTON), one of the experts in this area who is the chairman of the Subcommittee on Energy and Air Quality to start off our discussion tonight.

Mr. BARTON of Texas. Madam Speaker, I sincerely appreciate the gentleman from Michigan having this Special Order at the request of the leadership. I think it is important to air the issue, so to speak, as we get into this debate.

I am an official observer to the Council of Parties operating under the auspices of the United Nations. I was in Kyoto. I was in Buenos Aires. I was in Hague. I am planning at the moment to be in Bonn, Germany in July.

I think there are some things that we need to make sure that the American people know about this. First of all, the economy that will be most affected in the entire world community, if we would implement this, is the United States economy.

As the gentleman from Michigan pointed out, China, whose VOC emissions will exceed the United States within the next 10 years, would have to make no reductions. Mexico, which is a growing economy and our partner in NAFTA, would not have to make any reductions because they are considered to be a developing nation. India, the second most populous nation in the world, again with growing VOC emissions, would have to make no reductions because they are considered again to be a developing nation.

So when we get right down to it, the Western European community, because the collapse of communism occurred after the base year that they are using to calculate the reductions, would make few, if any, because they have shut down the old coal plants in the Soviet Union and in behind the Iron Curtain. In Western Europe, they have gone more and more to nuclear power. So they have to make no reductions in their economy. It would be the good old U.S. of A. that would have to make these reductions.

Under the protocol, a steel plant operating in Pennsylvania or in Illinois or in Indiana that would have to be shut down under the protocol, one could take it bolt by bolt, piece by piece, dismantle it, ship it to China or ship it to Mexico, put it back together, that same plant with the same emissions, and would be perfectly legal under the Kyoto Protocol.

For that reason, it is not just Republicans like the gentleman from Michigan and I that oppose this. Good solid labor union Democrats like the gentleman from Michigan (Mr. DINGELL) strongly oppose this. In fact, when they did the Byrd-Hagel amendment in the United States Senate, it passed 98 to 2 that we cannot implement Kyoto unless certain changes are made so that it does not negatively affect the United States economy.

Second thing that the citizens of the United States need to understand about Kyoto is that the science is not settled. In fact, 2 years ago, 15,000 of the most eminent environmental scientists in the United States signed their names to a letter that I believe was sent to the President. It may have been sent to the Members of Congress. Fifteen thousand scientists said do not implement Kyoto because the science is not settled.

Just within the last 6 months, research based on actual data in the Atlantic Ocean has come out that says the whole concept of global warming may be exactly wrong, could be totally 180 degrees wrong.

□ 2145

So there are all kinds of reasons for us to take a go-slow approach on this. And I think that President Bush, when he said the Kyoto agreement would not be ratified, did exactly the right thing. I think the President and Secretary of State are going to work with Environmental Protection Agency and the Department of Energy to develop a new mechanism for environmental negotiations, not based on Kyoto, but based on sound science and based on economic interests of the United States vis-a-vis the rest of the world.

I would think within the next year or so we will come up with a different mechanism that actually will enhance the environment and will enhance the world community. But the Kyoto agreement, as it is currently structured, is totally flawed. It would be very disadvantageous to the United States. And unless we want to go back to the economy like it was in the 1970s, as the gentleman pointed out, this is exactly the wrong agreement and should not be implemented in this country.

Mr. SMITH of Michigan. I joined the gentleman from Texas at the Hague, and what the Kyoto Protocol did is it left a lot of the details of implementation to further negotiations. One of the questions at the Hague was the so-called ''sinks,'' the sequestration of the CO2, and this chart, I think, demonstrates why the United States was trying to insist that sinks be a consideration in emissions. As we see by this

chart, this is North America, and the red indicates the amount of CO2 emissions. The blue at the bottom displays the sequestration, or the sinks, how much of the CO2 we capture by our corn and our sorghum and our field crops and our woodlands. And when we compare that with Europe and the whole Eurasian and North African area, we can see that the amount of emissions of CO2 greatly exceeds the amount they sequester.

It seems to me this was one of the reasons that Europe said, well, no, we cannot allow you any credit for sequestering those.

Mr. BARTON of Texas. If the gentleman will continue to yield, this whole concept of sinks was something that back in the mid 1990s, when we began to negotiate Kyoto, was not even a variable. People had not even thought of this. And then, when it became apparent that our forestlands and our grasslands actually consumed CO2 and that we could be a country that on a net basis emitted no CO2 because we had large pinewood forests in the south and hardwood forests in the north and the grasslands and the cornfields in the Midwest, this caused consternation in the international environmental community, because under the very mechanism that they had negotiated, the United States, in their mind, walked away free.

So as the gentleman pointed out, at the Hague this was the subject of intense negotiations to minimize the impact of sinks. But again, the sink is an issue that, using their terminology and their models and their variables, the United States should get tremendous amounts of credit, which is, again, one of the reasons this is a flawed process, because they have not really thought the science through.

Mr. SMITH of Michigan. It seems to me that rather than negotiating in good faith, a lot of the countries of the world, but maybe particularly in Europe, seemed to be more willing to use the treaty as a way to reduce our competitive position. Do you think there is merit there to that?

Mr. BARTON of Texas. There is a train of thought that this would be a surrogate system to put the United States at a competitive disadvantage vis-a-vis the rest of the world.

Now, do not hold me specifically to these numbers, because I do not have some of my briefing books before me as we engage in this special order, but my recollection is that of all the nations in the world that are involved in the Kyoto agreement, and it is around 160 to 170, there would be only 13 that would have to make any significant reductions in their emissions, and of that, the United States would be a huge majority.

So nations like Iceland would have to make some reduction, Japan, Great Britain, Australia, the United States, there were a total of 13 out of 162, but over half the reduction would come from the United States economy.

I have to exit, but I want to tell the gentleman I appreciate his taking this special order, and I think it is very timely and very important that the American people understand some of the facts and figures the gentleman is going to present.

Mr. SMITH of Michigan. Let me add my birthday wishes to your daughter, where I understand you are going.

Mr. BARTON of Texas. Kristen Barton is 19 today. Her birthday party is going on as I speak. I thank the gentleman.

Mr. SMITH of Michigan. The gentleman from Texas mentioned that a lot of individuals, Republicans and Democrats, questioned moving ahead with the Kyoto Protocol. In fact, in July of 1997, before the Kyoto Protocol was agreed to, the U.S. Senate passed what they called the Byrd-Hagel resolution, which says that the U.S. should not be signing any treaty that, one, would mandate reductions in greenhouse gas emissions for developed countries but not developing countries; and, two, would result in a serious economic harm to the Nation. And of course the Kyoto Protocol moves in both of these directions. It does not include countries for any reduction, such as China, India, Mexico, Brazil, and many other developing countries. It seems to me this common sense resolution, which was approved by a Senate vote of 95 to 0, set the minimal parameters for Senate ratification of any treaty.

And with no realistic idea that a treaty was going to be signed and eventually ratified by the Senate, which it has to be ratified for it to work, the Bush administration said let us move ahead and make sure we reduce our CO_2 emissions, reduce our greenhouse gases, but let us be very careful about signing on to a treaty that is demanding almost the impossible. And although many European governments have expressed bitter disappointment about the U.S. decision, it should be pointed out that Romania is the only developed country in the whole world that so far has ratified the treaty.

At this time, Madam Speaker, I am going to yield to another leader in this area, the gentleman from Pennsylvania (Mr. PETERSON), who was a leader in trying to introduce an amendment to take this language out of this particular authorizing legislation for the State Department.

Mr. PETERSON of Pennsylvania. I thank the gentleman from Michigan and am delighted to join him here this evening. This has been an interesting issue, because during the last administration, and my friend from Michigan will agree with this, each and every department of government almost had a budget to promote global warming in the Kyoto Treaty. It was very cleverly done. Billions of dollars were spent selling the concept of global warming; that it was a fact, when, in reality, it has been based on computer models. It has not been sound science.

But just to back up for a few years, in 1977, when we were at the height of some cold weather, there is an article here in Newsweek, about seven or eight pages long, called ''The Deep Freeze.'' They talk in here about the beginning of the Ice Age. Because we had a couple of real cold winters in a row, they were talking and they were predicting here that by the year 2000 how the colder climate was going to be moving further south and limiting agricultural ability in this country. The same people are now the ones that are screaming global warming and the oceans will rise as the ice melts and all will be catastrophe.

It is interesting in the last couple of years, and we know most Americans get their news from television, but according to a recent media study, the major networks are biased in their coverage on this subject. And if we think about it, they really are. The study of Media Research Center's Free Market Project states for the three big networks' nightly newscasts, not a single comment from a global warming skeptic for 3 months. That is beyond bias, because this issue has been getting a lot of ink. The numbers clearly show that, with the exception of Fox News Channel, the nightly newscasts have become advocates for the environmental extremist cause. Our findings come as scientists with impeccable credentials, and no particular political axe to grind, such as Dr. Sally Baliunas of Harvard, Smithsonian Center for Astrophysics, or Dr. Richard Lindzen of MIT, concur that the science of global warming is very much unsettled, flawed, and, in many cases, exaggerated.

During this same time, I am pleased that two people from my district have written me in the month of May. A gentleman here who says, ''I am not sure whether or not you have taken a position on this matter, but my letter is to ask you to give support to the administration's decision to withdraw U.S. support from the Kyoto Protocol to help protect the country's citizens, including those who are retired and on fixed incomes. We already have an energy mess that is crippling the economy in California. Enacting the Kyoto Protocol would have put the whole country in danger of a California-style crisis.''

He goes on and discusses that there is not agreement in this country. And that is true.

Another gentleman I know quite well, Mr. Sam Smith, the Whip of the House in Pennsylvania government, wrote me another letter: ''The Kyoto Treaty would devastate mining communities unnecessarily because it really attacks the use of coal.''

I am here to say that if we are going to deal with the energy crisis in this country, and we own 40 percent of the world's coal and 2 percent of the world's oil, clean coal technology needs to be a very strong part of our future energy policy.

It says here, ''Mr. Bush got a lot of flack recently for opting to pull out of

the Kyoto Treaty, but it was the correct decision and he did it for some very good reasons. Tens of thousands of those good reasons work in American coal fields and in our factories every day. The harsh realities of the treaty drawn up by international bureaucrats in Japan in 1987 would have its most devastating impact on small towns in States like Pennsylvania, West Virginia, and Kentucky.''

And it goes on here to talk about many of the things that have already been spoken about, that countries like China and our competitors, who have already stolen a lot of our light manufacturing, would force us to give them our heavy manufacturing, because that would be the only place in the world you could do it.

Let me come back to another issue that has been talked about a lot, the scare tactics of the ice melting and the oceans rising. Here is what it says. ''As many know, the United Nation's Panel on Climate Change publishes a report on global climate change every 5 years. Chapter 11 of the most recent report addresses sea level rise, a favorite scare scenario of the media and radical climate warmers. Professor Morner is president of the International Commission representing the scientific community of sea level researchers. These are the best scientists in the world on this subject. This is what he had to say about Chapter 11 and the dire predictions made about catastrophic sea level rise:

''The IPCC Chapter 11 is a very inferior product, written by 33 persons in no way being specialists on the task. The real sea level specialists would never give these statements, figures, and interpretations.'' He says, ''I have finished a seven-page review report. It is most shocking reading. Lots of modeler wishes but very little hard facts based on real observational data by true sea level specialists. I allow myself a few quotations from the report. It seems that the authors involved in this chapter were chosen not because of their knowledge on this subject, but rather because they would say the climate model that had been predicted.

This chapter has a low and unacceptable standard. It should be completely rewritten by a totally new group of authors chosen among the group of true sea level specialists. My concluding position is to dismiss the entire group of persons responsible for this chapter, form a new group based on real sea level specialists, let this group work independently of a climate modeler.''

So much of this global warming concept has been computer models, and we know what they can do with computer models.

Mr. SMITH of Michigan. If the gentleman from Pennsylvania would yield, there is no question, and I totally agree the treaty lacks a firm scientific basis. And while there is no disagreement that carbon dioxide and other greenhouse gases are in our atmosphere, before the industrial revolution they were there, they are there now, but scientists disagree about the extent of man-made gases and how much they contribute to global warming.

□ 2200

The amount of warming or if the planet is warming at all, and like the gentleman from Pennsylvania suggests, some scientists have even come to the conclusion that maybe we are in a cooling-off period.

I think nowhere is this more evident than in the divergence between atmospheric conditions, the data collected from satellites and weather balloons, and surface temperature data collected from ships which tell a different story. Highly accurate satellite measurements do not note any warming over the past 2 decades.

What we have in the red, for those individuals that can make out the small details, the red is the surface temperature. The blue is the satellite-measured temperatures, and lower are the balloon-measured temperatures. If you take the satellite along with the weather balloon temperatures, they are almost on an even keel, and they show no global warming. The only global warming that is portrayed is the surface temperatures, and they could be caused by a lot of changes, such as expanded populations in some of the areas.

In terms of the potential contributions of ocean, you see a big peak over here in 1998. That was actually credited to the impact of El Nino. I think the gentleman from Pennsylvania is totally correct. These and other shortcomings make climate models unreliable tools for predicting future climate change and for making energy policy.

Mr. Speaker, I yield to the gentleman.

Mr. PETERSON of Pennsylvania. Mr. Speaker, the gentleman is absolutely right. In debates I have had with people who believe opposite of I, I say give me data. Give me facts and true measurements, and they cannot. They keep using these models. We have cycles of weather, but if my memory was correct, there was not much talking about global warming when we had the coldest temperature months in a hundred years this past winter. Temperature hours, we had a cold year overall. But you do not hear people talking about that.

A year or so ago when we had unusually warm summers brought on by El Nino and other air currents, everything was global warming.

I think it is very important that we also mention about the sinks that were earlier discussed. A lot of our scientists are amazed when our air currents hit the ocean after crossing the eastern part of the country because from Michigan to Pennsylvania we have tremendous forests that are great sinks that suck up the carbon dioxide, and when the air currents reach the ocean, they have a lot less carbon dioxide than when they left because of the combination of farm country and our forests. This country may not be a contributor because of our sinks, as indicated on the charts that here.

Mr. SMITH of Michigan. Let me put that chart back up. Just to review, Europe and the North Africa area, the red indicates the amount of CO2 that they are putting into the air. The blue at the bottom indicates how much they sequester or capture of CO2. And of course all living organisms live on CO2. Our plants collect that as part of their growing.

Because our agriculture is so intense and expansive in the United States and our forest lands are so abundant, we capture about the same amount of CO2 as we emit. Unlike the European countries, as you see on the right, the tropics and the southern hemisphere capture more because of the forests and the growth of biological products in that area. We see a great sequestering.

But the point needs to be made strongly that that has to be part of the consideration. And it has to be part of our research in the future. How do we increase our ability with technology to capture some of that CO2 just in case it might be causing a greenhouse gas out there.

I am chairman of the Subcommittee on Research in the Committee on Science, and all of the scientists in the field on this issue agree that we need more research on global warming because there is so much that we do not know. We are basing so many conclusions on incomplete research. There is a lot of shooting from the hip. If we are going to make this dramatic change such as what is described in the Kyoto treaty, I think it behooves us to move ahead more aggressively with the same kind of scientific research and that is what we are going to do in the Committee on Science and that is what this administration has suggested.

Mr. PETERSON of Pennsylvania. The Kyoto treaty, that chart says it all about this country. If the Kyoto protocol was implemented, would it reduce global warming if it were a proven fact? The answer is ''no'' because it would only restrict emissions in our country. It has minimal impact in Europe and all of the developing countries that are stealing our manufacturing, like Mexico and China, who would not be living up to any agreement. They would be doing nothing.

So we would be pushing manufacturing out of a country that has the best pollution control equipment in the world, taking that manufacturing to parts of the world that have little or no control over emissions, and would actually be adding to air pollution in the world.

The Kyoto treaty was not written by a friend of the United States. It is probably one of the worst documents signed and brought back to this country because it would destroy our economic base. If global warming was a fact of life, it would do little or nothing.

Mr. SMITH of Michigan. Mr. Speaker, I think it is fair to at least mention the tremendous political influence that some of the environmental community has. We all want a cleaner environment. We are all going to move ahead to develop renewable-type resources that can minimize the CO_2 emissions, but a tremendous political influence that I think has caused maybe some in the previous administration to agree to these kinds of protocols because it was so strongly supported by a strong political group.

I think the bottom line is that if we are going to make reasonable policy decisions, we are going to have to get emotion away from that policy table and scientific evidence on the table to make the kind of decisions that are going to have a tremendous impact on the economy of this and other countries.

Mr. PETERSON of Pennsylvania. One of the things that I have found distressing, the scientists that have had the courage to speak out on this issue have often been called to task by the college presidents by saying we want you to tone down your discussion of this issue. We are going to lose research dollars.

Mr. Speaker, that is not what science is about. Science should be seeking the truth and the facts. When you have a university president telling real scientists that they should not be talking about their findings in a real scientific way, you are cooking the books. In my view, a lot of that happened in the last few years. There was a huge influence from the White House and the Vice President's office, and there was intimidation at the university level that if you wanted grants and further studies, you better give them the message that they want.

When you buy scientific information and you tell them what you want to be in the answer, you are not getting anything for your money because all you are getting is somebody to state what you want stated.

Mr. Speaker, real science is about searching for the scientific facts. I think a lot of that was veered from in the last recent years.

Mr. SMITH of Michigan. There is no question that making sense of climate variability is a hugely complex challenge, but one that we can make progress on, at least before we commit to onerous regulations.

In a 1999 study, the National Research Council made recommendations for a research strategy focusing on unanswered scientific questions. The NRC identified over 200 questions that need answers if we are to understand and predict climate change. That is exactly what the gentleman from Pennsylvania is suggesting; we need real science and real answers to some of these questions.

But in the meantime, there are things that we can do to reduce greenhouse gas emissions. We can improve energy efficiency, and we are doing that. We are developing new energy sources, sources that do not emit CO_2; and certainly the research to expand the sequestration of CO_2 must be encouraged.

I have one chart that I think is dramatic. This is a model by the UC National Center for Atmospheric Research. What this diagram shows, the red line is what is going to happen to global warming without the Kyoto treaty. The orange line that we see coming up slightly underneath it in the years 2040 to 2050, represents the possible reduction in temperature. And even if all of the Kyoto treaty was implemented, the reduction in climate is 0.07 degrees centigrade, almost unmeasurable in its extent. We still have scientists that came before me in my pursuit of what is the right answer suggesting that a little global warming might be good for agricultural expansion in this country. So with that small a degree in warming, I think it is very important that the Members of this Chamber, Madam Speaker, understand that we could go into grave consequences by the implementation of this. That is why I certainly want to encourage the negotiators on the conference committee that are taking up this State Department authorization bill to review this.

I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Another factor, around 1440, there was 7 degrees of warming temperature. The negative impact was the agricultural belt in this country expanded immensely. They were growing grapes further north than ever grown before. The food basket grew. There was no measured real evil force from the temperature rising 7 degrees, which has not happened in recent centuries.

Mr. SMITH of Michigan. Mr. Speaker, the historical consequences of such a modest warming, I mentioned have shown to be beneficial. An example I was looking at was during the Medieval climate optimum. During that optimum period of slightly warming temperatures from 800 to 1200 A.D., improved agricultural production linked to warmer weather led to economic expansion throughout Europe.

There are many things that we need to give priority to to get answers to the 200 questions that the scientific community have suggested that we need answers to before we proceed in this type of venture.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I welcome scientific facts, not computer models, but the real facts. That is what we need to deal with. I think it is very important that we do get this language taken out. We have had enough promotion and sales pitch on global warming and the Kyoto protocol in the last 8 years. It is time to get back to sound science.

Mr. SMITH of Michigan. Mr. Speaker, I put the last chart up to show some of the accomplishments that we have achieved in the last 35–40 years especially in terms of increased energy efficiency.

The top black line represents the energy use at constant 1972 GDP. How much GDP does one unit of energy achieve.

What has happened is our actual energy use to achieve this greater GDP, which has almost doubled since 1979, is way down below what we have expected. That shows this country has been very aggressive in trying to achieve the greater economy. It takes 30 percent less energy to produce a dollar of GDP than it did in 1970. So we are moving ahead.

That greater efficiency means less emissions. That greater efficiency means less energy use that is also compounding our problem right now.

It is an appropriate time to discuss this issue of the Kyoto protocol when we are looking at high energy prices because if we were to follow that protocol and reduce our energy use back to the 1979 levels, we would have to ration the amount of home heating fuel and gasoline and coal; and the way to ration it would be dramatically increasing price or some kind of law that says you can use only so much.

□ 2215

Either way, there is a dramatic implication on the economy of this country, and that means on the standard of living of this country, because what other companies are going to do if energy prices were to go up in the United States, they are going to look at these countries like China and Mexico and the other ones that were impacted by this protocol and look at the energy price there that is going to be much lower, and they will say, hey, we are going to move our business and our factories and our production to those other countries. Of course, when that happens and those other countries start developing, it is very unlikely that they are going to sign a similar protocol some time in the future to impede their economy. So I think it behooves us all to make sure that we think very carefully before we emotionally move ahead on something that might cause more damage than it does good.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I think it is pretty outstanding when we have been increasing the efficiency of manufacturing and processing by more than a percent a year. The gentleman talked about 30 percent. I was reading something today that was 40 percent, I do not know what the time span was, but we have made tremendous progress in the efficient use of energy.

Now, it is my belief that the reason we are in an energy crunch today is number one, we did not have an energy policy and we had very cheap oil and very cheap gas for an extended period of time that kind of shifted us in the wrong direction. But, there was a real move in this country away from coal, away from nuclear, and the Kyoto protocol concept had us trying to phase out fossil fuels with a false assumption.

Now, we are all for renewables, but when we look at the charts, and I have read all the charts recently of energy usage in this country and growth, and when they are projecting into 2010 and 2020, renewables are still a very narrow line. I mean, there is not a lot of growth there whether it is solar or whether it is wind, and, of course, hydro has been stuck at the same amount. The chart showed, hydro, questionable in the ability to relicense; nuclear, questionable in the ability to relicense.

Those are discussions we are going to have to have. Because the phaseout of the use of fossil fuels, the phaseout of coal, except for power generation, has put a heavy load on other energies and has us in a position where we are very dependent on oil from foreign countries that are not our friends. I have a personal fear at the moment, and I heard on this floor just a couple of nights ago why we were even thinking of building coal power plants when we can build these clean natural gas ones. I believe personally we have overloaded natural gas.

I do not think we can drill wells fast enough, because what we are going to do is we are going to endanger home heating costs. We are going to have people who now mostly depend on gas for their home heating; most of our factories, our schools, our hospitals use gas. We are going to have a huge shortfall of gas in this country.

Gas prices doubled last winter. I am afraid they could double again this winter. If that is the case, we are going to have people unable to pay their energy bills, seniors unable to stay warm. When we talk about a ripple effect in our economy, natural gas will make one far worse than gasoline, because when we drive, we can drive the vehicle that gets the best mileage, we can drive a little less, give up the pleasure trips. But when it comes to heating a home and running a business, there are not too many options.

Mr. SMITH of Michigan. Mr. Speaker, I think the gentleman opened the door to a short discussion as we conclude on energy. Let me briefly go through a couple of the charts that I think describe the predicament that we are facing in energy.

This chart simply shows the top red line is energy consumption, and the bottom green line is energy production at the 1990–2000 growth rates, and so the middle is the projected shortfall. That means we are becoming more and more dependent, like the gentleman said, on other countries, especially OPEC countries.

In 1970, I was asked to go on the Presidential Oil Policy Commission, and so we went over to the White House with Bill Simon every morning at 6:30 to find out where the available supplies were and how we could distribute them. At that time we were very nervous because we were in a Cold War situation, so we gave agriculture a top priority for fuel.

So two decisions were made. Number one, put a price ceiling on the price that could be charged for gas and petroleum products. Number two, give agriculture a top priority. I was assigned the task of sort of substituting for the market economy in trying to find out what farmers were low on fuel.

So we set up a computer in every county of the United States, every agricultural county of the United States, and they would call in if they were out of fuel and we would go down to the chart and say, look, under law, you are required to deliver to this area so this farmer can have fuel. We learned then that price controls, from the long gas lines to the fact that we were doing a very poor job in allocating this scarce resource; computers were not good enough then, they are not good enough now, so rationing is a predicament, but this chart shows the increased dependency, and most of this is on the OPEC countries, as the gentleman from Pennsylvania suggested, that we need to not only expand, reduce our dependency totally, but certainly we need to look at some of those other countries, the Caspian area countries and others that might have a better attitude towards the United States.

This chart shows an average of what goes into a gallon of gasoline. So the crude oil price, which is which has usually been the basis, 58 cents of the price of $1.81 which was May 1, I think; 18 cents Federal tax, State tax is 27 cents, refining costs, 58 cents; distributing and marketing costs, 20 cents. Gasoline has gone up.

Mr. Speaker, I introduced a bill to suggest that the Department of Energy review all the regulations, especially the boutique fuel regulations. This chart shows the 15 different boutique fuel regulations in different parts of the United States, and if we multiply that by 3 for the regular, the midgrade and the premium, one can understand, with all of those different fuels, the tremendous inefficiency that is required by complying with those kinds of regulations. So we have to have separate holding tanks, separate pipelines, or we have to clean out our pipelines before we ship another variety through, so we need to review those. This is old data. We need to make sure that we can protect the environment, but review these kinds of regulations to see what the new technology can contribute.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I think we will find where we see those bright colors where the prices have been in the last year or two where we had spikes in the central part of the country; the year before in California; two years ago was up the East Coast where truck fuel prices were exorbitantly high. But where these special fuels are, our national system of pipelines does not work, because we have a different type of fuel than most of the country is using, and if one of our refineries goes down, then there is just not enough to go around, and so the price is going to go up for that marketplace. So this has really complicated the gasoline and truck fuel delivery system.

Mr. SMITH of Michigan. Mr. Speaker, this chart shows, I think, something that we can be very proud of. The increase in gross domestic product in this country has been plus 147 percent, where U.S. coal consumption has increased 100 percent, but U.S. energy consumption in total has only gone up 42 percent, and the key air emissions have actually gone down 31 percent.

Mr. Speaker, the United States is leading the world in terms of pushing the kind of research that is going to reduce CO_2 emissions, but whether it is CO_2 or whether it is vapor emissions going into those greenhouse gases, or whether it is the kind of new technology where we can develop new energy sources, the United States is moving ahead probably more aggressively than any other country, and we need to do that, but we do not need to sign and agree to the Kyoto protocol, which is not based on complete science and which would be a punishment to the United States.

Mr. PETERSON of Pennsylvania. Mr. Speaker, if the gentleman will yield, I think the head of our energy policy, as Mr. Bush and Mr. CHENEY have shared with us, is we have to conserve, we have to use energy efficiently and be more cautious that we are not wasting energy. I think we still have lots of progress we can make there. And we must continue to do that. But that is down to every American citizen who can contribute there. It does not need to be some new law, it does not need to be some strict regulation, but I think leadership from the White House is going to help Americans be much more conscious.

Of course, prices makes us much more conscious. As prices go up, we are going to turn lights out when we are not using them. We are not going to turn our thermostats to be quite as high. We will not drive quite as fast and waste fuel. We might take a little shorter trip. We may look at the next car we buy to be more fuel efficient. Those are all things we can do individually, but they should be personal choices. They should be incentives, not strict government rules and not a heavy hand from government. The American people all need to realize that we are all in this together.

However, on top of that, we cannot conserve our way out of this crisis. We have been phasing out production, and $10 oil certainly killed production in this country and $1 gas stopped all drilling. There are a lot of people thinking there are just thousands of wells out there capped, ready to let gas out. That is not true today. The pipeline system is inadequate to get the gas from one part of the country to the other. The grid that moves electricity is inadequate to get where there is excess electricity to parts of the country

where there is a shortage. We need an investment in our total system. But when we have all energies in a greater amount available in inventory, that is what stabilizes prices.

Mr. SMITH of Michigan. And the market system works. I think we have a responsibility at the Federal level to make sure as best we can that there is competition, and there is not the kind of gouging. But if last year, the crude oil prices got for a little while over $30 a barrel, I think now they are around $26, but still if we were to say, you cannot sell crude oil for over the $8 a barrel that was a low point several years ago, I mean there would not be exploration. They would not be coming into Pennsylvania and Michigan doing some wildcatting. They would not be acidizing some of the old wells to drain them dry of oil, and there would not be the kind of research that can make sure that we can be environmentally friendly in the smaller drilling in the fact that we can now sit on one site and go for 4 miles in all directions to capture some of the oil down below, rather than having the congestion that we saw back in the 1940s and 1950s maybe in Oklahoma and Texas. So technology is a huge change.

Mr. PETERSON of Pennsylvania. Mr. Speaker, we helped fund research that they felt very close to working using ultrasound, one type of ultrasound to clean out the old well bore, the other kind to go out and loosen the oil from the rock crevices and let it flow into the well. They have successfully increased production with ultrasound. Now it is a matter of the next study is going to put it out into the field in a number of wells, and if that works, we will be able to get more oil. But those are the sorts of things we need to do.

I was at Penn State recently. They have a project there that has been completed in the laboratory, and now it is moving into the refinery where they are going to take western Pennsylvania coal and make jet fuel and have a carbon product that will be used by Pennsylvania's famous carbon industry. So they will take coal and turn it into two carbon items. One is jet fuel and the other one a carbon product that will be used in manufacturing, and they also have a fluidized bed boiler that can be implemented and could be used by hospitals, could be used by schools, could be used by factories, that can burn any fuel. Because the fluidized bed process is what we are using in this country to burn our high sulfur waste coal, in Pennsylvania we are using it, because they use a crushed limestone slurry that takes the sulfur and unites with it instead of sending it up to stack into the air and helps it burn it cleanly, and they are claiming that if it can burn coal and wood waste, it could burn coal and animal waste, it could burn coal and animal fat, it could burn natural gas, it could burn number 10 oil or fuel oil.

□ 2230

This kind of burner would then give a manufacturing plant or a university the ability to buy the cheapest energy that year.

When we get that kind of competition going out there we will not be stuck, because this winter we are going to have businesses and people owning homes stuck on high-priced natural gas because this country moved strictly to making all the new power plants gas without adequate inventory to back it up, in my view.

Mr. SMITH of Michigan. I think it is worth mentioning that over the last 8 years, we have been so conscientious or the administration was so conscientious on the environment that we ended up closing down about one-third of our refineries in this country with regulations and increased costs. We ended up stopping a lot of the clean coal mining in this country.

Right now I think the estimate is something around 250 to 300 years' worth of energy from coal, if we move ahead on that kind of technology. Or if we use some of technology that we have now, the administration and President Bush is suggesting another $2 billion over the next 10 years to do research on clean coal technology to even do a much better job of the nitrates and sulfur dioxide emission, besides the particle pollution that is happening.

We are able to do a lot of that now. With a little more effort, we can make this kind of a fuel a very efficient contribution to a continuing strong economy in this country.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I asked the question recently on why the question mark on relicensing hydro. Someone said, remember, these hydro plants, where water runs through a pipe coming out of a dam and turns a turbine, there is no environmental downside, these dams were built without adequate environmental impact statements, and we might want to have to tear them down.

That is where we are coming from on this whole issue. That is at a time when we are looking at shortages.

There are some very new interesting pebble bed nuclear plants that are built in small units that can be built right alongside of existing plants that have very little fuel waste and solve a lot of problems. They are being built all over the world.

Our whole energy issue, if we want to become more self-sufficient and not dependent, the thing we must not forget, the Far East countries that are providing so much of our oil today, and that is just one of our energy sources, they could double the prices again tomorrow by just restricting how much they will give us. They set the price. They have the ability, because of the amount we are buying from them, they can set the price.

If we can lower that, that is why some of us are even supporting ANWR drilling, because we need to do anything we can do to take away that control that these countries that are unfriendly to us have over us, because they could cause us to have $40 oil in the next month.

Mr. SMITH of Michigan. Mr. Speaker, the gentleman talks about the national security of this country, of our country. Certainly there is power that a few countries in the world now have over our ability to produce.

And look, we have changed. We are a new world. We are not where we were back in the thirties. We now have high-rise office buildings where we need the elevator to get up to that 15th or 20th floor; where the windows do not open, so we need the air conditioning in hot weather and we need some warming up in cold weather. We are a new society.

We have got so many older individuals that are on the kind of life support system where it is actually a matter of life and death. We cannot be a government that accepts brownouts, certainly not blackouts, as a regular order of business.

That means moving ahead aggressively with conservation, but conservation cannot do it all. It means expanding, and I am biased as chairman of the Subcommittee on Research, but it means dramatically expanding our research efforts.

Mr. PETERSON of Pennsylvania. I just talked to my local school district, who paid $2.80 for gas last year. They have now purchased this winter's gas for $5.40. Last year they paid as high as $12 one month because they had not purchased ahead.

When people this winter start paying $10 per thousand for gas, they may think, is it smart to lock up the whole West Coast for gas drilling? Is it smart to lock up the whole East Coast for gas drilling? Is it smart to lock up all of our shoreline except Texas and Louisiana? Those are the only two places I believe they are allowing drilling to happen. Is the environment compromised there? I do not think so.

We have the technology to get gas out of the ground today in a very environmental-friendly way. In a country like Norway, they drill all the way around themselves. They do not have their coastlines ruined. They have not ruined their environment. But natural gas is what they use, and I am told they have the model system of drilling offshore.

We are going to have to look at all of those things. Prices will force people to take a broader look at this issue, because $10 gas will be painful when we are heating our homes.

Mr. SMITH of Michigan. As we conclude this special order session, certainly I would like to thank the gentleman from Texas (Mr. BARTON) and the gentleman from Pennsylvania (Mr. PETERSON).

If the gentleman from Pennsylvania would like to give a wrap-up conclusion.

Mr. PETERSON of Pennsylvania. I just say to the American public, to

Members, and to those listening, I just believe that we need to support the President's comprehensive energy plan. There is no quick fix to our energy needs.

As we talked, I think a lot of it has been brought up by the hysteria of the Kyoto Protocol and the concept that the Kyoto was something special that we had to do. If global warming was a fact of life, the Kyoto Protocol was not something that made it better. It was a bad deal for this country, and would not have changed what the situation was in the world, because it would have allowed all the countries to steal our employment, steal our factories, where they do not have strict pollution laws.

In this country, where we have the strictest and the best technology, we would have lost the business, so it would not have improved the world's atmosphere, it would have destroyed the economic base. The poor people in America would have lost their jobs.

That, and the energy issue as a whole is one that the American people had better be very wise about. I think the Bush-Cheney administration on the Kyoto Protocol made the right decision, and having a broad-based energy where we improve our ability to have the energy we need for this country, and allow the marketplace then to work from supply, not from shortages, is what is needed.

I thank the gentleman tonight for allowing me to join in on his special hour.

Mr. SMITH of Michigan. I thank the gentleman from Pennsylvania. In the authorizing bill for the State Department that went through the Committee on International Relations, there was an amendment in there, and that is what we have been talking about tonight, to go ahead with implementation of the Kyoto Protocol.

It is interesting, that vote was very close. I think it was 20 to 22 that the amendment succeeded in going on that bill with something like 14 members absent, so it is a real question that needs debate.

I would certainly encourage the conferees from the House and Senate, when they meet to reconcile the differences between the House and Senate, that they seriously look at the consequences of that language and consider removing it from the final bill.

THE ENERGY CRISIS IN CALIFORNIA AND THE WEST

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. FILNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. FILNER. Mr. Speaker, we are going to spend the next hour or so speaking about the crisis in California and the West, and spreading to other parts of this country.

Apparently, this Congress is going to adjourn tomorrow or the next day passing a tax cut for the wealthiest of Americans but refusing, refusing to do anything about the electricity crisis in California.

We just heard how good the President's energy plan was. Yet, out of the 105 recommendations made by the President in his energy plan, not one, not one addresses the problems of California and the West.

Those problems are severe. California's economy is teetering on the edge. If California's economy goes, so goes the rest of the Nation.

What is the source of the problem in California and the West, and what actions should we take to solve it? That is what we want to spend some time tonight in dealing with, and we have colleagues who will testify that this issue is not just confined to California but to other parts of the West, the Midwest, and the eastern parts of our Nation.

The roots of this crisis go back to last summer. California passed a deregulation law a couple of years ago. It put the path to deregulation that our utilities in the State would have to go. San Diego, California, which I represent, was the very first by the terms of the deregulation act to fully deregulate its wholesale and retail prices.

I think San Diego was the first place in the Nation, certainly in the State of California, to fully deregulate in this way. We found out in retrospect that that deregulation law was badly flawed. It allowed deregulation of a basic commodity, the oxygen of our economy, when there was no market, no competitive market, to allow the reduction of rates that were promised by the law. Yet, we went ahead and deregulated, and boy, did we find out what a mistake it was.

When my constituents in San Diego opened their bills last June, they were completely shocked to see that their prices had literally doubled. Even worse, the next month the prices had gone up another level, tripled from the original pre-deregulation rate.

Now, if one was a senior on a fixed income paying $50 a month and the bill went to $150 or $200 without any explanation, without any reason, and without any end in sight for the increases, that person was panicky, wondering how they can air condition their apartment or heat it when necessary.

If one was a small business and paying $800 a month for electricity and the bill went to $1,500 and then to $2,500, even $3,000, how could that business stay in business? How could they survive with those rates? Scores of my constituents had to close their doors in that first just 60 days of deregulation in San Diego.

Now, San Diegans found out and learned pretty quickly what the reason was that this occurred. It was not any hotter a summer in 2000 than it was in 1999. Demand did not go up in California or in San Diego. The cost of producing a kilowatt of electricity, which is a couple of cents, did not increase.

Yet, their prices tripled in 60 days. It was clear that there was a manipulation of the market; that the few companies who controlled electricity in California were jacking up the prices, gouging people, and taking enormous, enormous profits. Those profits, Mr. Speaker, have amounted to $20 billion over the last year in California.

Now, all the politicians reacted to the panic, to constituents who came in and said they were going bankrupt. We looked death in the eye literally in San Diego last summer. We said that this price increase, these price increases, were caused by manipulation of the market by a whole number of means which we became aware of and submitted to the Federal Energy Regulatory Commission, FERC.

FERC investigated what we had supplied them and they reported last November that, yes, we were right, the price was manipulated, the market was manipulated in San Diego, California, and the prices were unjust and unreasonable. That is the term in the law. Therefore, they were illegal.

I believe, Mr. Speaker, that the true crisis in California started the day that that report was issued by FERC, when they admitted or they revealed that the prices were illegal, yet they did nothing to stop the wholesalers and generators who were charging these prices.

What FERC said by not applying any sanctions to these wholesalers was ''Go and rob the State blind, because we are not going to do anything about it.'' Boy, did they ever.

My friend, the gentleman from Sherman Oaks, California, the most well-named city in America, is here with me. We have representatives from Chicago and the Midwest. I hope the gentleman from California (Mr. SHERMAN) will pick up the story of what occurred when they said, ''Go rob the State blind'' to the energy wholesalers, and what they did to the State of California in the year 2001.

□ 2345

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from San Diego, California (Mr. FILNER) whose home county was ground zero for the consumer being directly affected by this Statewide and now regionwide rip-off.

In 1999, California paid $7 billion for electricity generation. The next year, in the year 2000, we actually used less electricity at peak times, but for the same basic amount of electricity we paid $32½ billion. This year we will use the same amount of electricity as we used in the prior 2 years, and we will be charged $70 billion, from $7 billion to $70 billion, no more electrons, just more price. A transfer this year, if it continues, of $63 billion from the consumers of California to a few megacorporations coincidently based in Texas.

The entire State said okay, we did not do the right thing with our deregulation. We want to reverse it. We want to regulate these same plants that used to be owned by our regulated local utilities and have been sold off to these big

outfits based in Texas, and then we are told by the Federal Government, you cannot regulate these same plants that you regulated before, Federal law prevents it and we, the Federal Government, although the statute tells FERC that they are required, are required to insist upon fair and reasonable rates, they have decided to go AWOL.

So the effect is to move $63 billion of wealth from consumers in California to megacorporations chiefly in Texas. Now, in order to justify or hide this incredible rip-off, what we are told by many of our Republican colleagues is that this is not a rip-off. It is a morality play. California is immoral and should be punished by a just God who should transfer money to their political supporters.

Keep in mind, first, even if California made some mistakes in its environmental policy or its regulatory policies, it is hardly any reason for the Federal Government to tie our hands and prevent reasonable regulation, but it is also not true. California did not prevent the construction of these power plants.

First of all, in 1999, we were exporters of electricity many months during the year, exported it to the Pacific Northwest to other States, no one really wanted to build power plants in California. Nobody filed a serious application.

In fact, the private sector was able to buy the existing plants at bargain prices. They had no particular interest in building more, but let us say they have such an interest and let us say environmentalists somehow prevented them from building in California, two great leaps of imagination, physicists have informed me that electrons do not know when they cross a State border.

We have one electric grid for the West. You can build a plant in Arizona, Nevada, Oregon and Washington and save the same market. If you are interested in selling electricity in the West, it does not matter which side of the State boundary you are.

They were not building plants in Nevada, and they were not building plants in Arizona until a year ago. We had a Republican governor in California who in his 8-year term did not grant a single permit, because none was seriously requested. Now we have 14 plants under construction.

The City of Los Angeles has no shortage because we have public power. We are exporting power from the City of Los Angeles to the other parts of the West.

The reason we have this shortage is because a few megacorporations have discovered a new definition for ''closed for maintenance''; that is to say, the plant is closed to maintain an outrageous price for each kilowatt. That is what is happening.

Mr. FILNER. Mr. Speaker, I want to continue with the California story and what our recommendations are to solving it, but I want our colleagues to know that this is not just a California problem. This is not just a western problem. This is a national problem. That is why only the Federal Government can step in.

Mr. Speaker, the gentleman from Chicago, Illinois (Mr. RUSH) would like to tell us what is happening in his home State and home city in Chicago.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. RUSH)

Mr. RUSH. First of all, I want to thank the gentleman from California (Mr. FILNER) for not only his convening this special order for this evening, but for all the outstanding work that he has done on the issue of energy prices throughout America.

I certainly want to thank the gentleman from California (Mr. FILNER) and the gentleman from California (Mr. SHERMAN) for their outstanding contributions.

Tonight, I just want to rise to discuss the endless stream of energy problems suffered by consumers within the City of Chicago. This is indeed not just a California problem. It is not just an Illinois problem.

It is a problem that America faces, but in order to paint a picture of what is happening in Illinois, I want to zoom in on Chicago. In the summer of 1999, Chicago experienced almost daily electricity blackouts; the following summer, the summer of the year 2000, Chicago consumers were subject to gasoline prices which soared above national averages.

Then during the winter of 2000, Chicagoans faced 300 percent to 400 percent increases in their gas bills over the previous winters.

As if that stream of emergencies was not enough, today this very day while thousands of Chicago residents are digging their way out of the winter national gas debts, they have been slammed by yet another seasonal energy crisis.

With an average regional price of $1.80 per gallon of gasoline in the Midwest, Chicagoans have been paying up to an astonishing $2.40 per gallon for gasoline which represents the most dramatic increases in gasoline prices within this entire Nation.

If we would just consider the following: taking a snapshot of 10 major metropolitan areas nationwide during the month of April, Chicago's spike, and that is indicated by the bar in red, Chicago's spike in gasoline prices dwarfs the cities on this chart and all cities nationwide, all cities nationwide.

The chart says that the average gasoline price increase was 12.8 percent average across the Nation; but in Chicago, it was in excess of 22 percent. Simply put, these recent and drastic price increases are more than my constituents can bear.

For example, there exists in my district a man who owns a grocery store who delivers foods and goods to the people in the neighborhood. Because of the recent hikes in gasoline prices, this man, this breadwinner for his family, this business owner is forced to factor the increased costs of gasoline into his delivery charges. And as a result, many of the elderly customers who live on fixed income must bear the weight of the current crisis.

These are people who have no other means of income, except what they get from their fixed income checks, their Social Security and other types of fixed income checks on a monthly basis.

Indeed, the effects of extreme gasoline prices does not only affect individuals, but entire bodies of local governments. For example, last summer, I convened a Chicago delegation hearing on that summer's exorbitant gasoline prices. And at the hearing, we heard from a gentleman from the district of my colleague from Illinois (Mr. DAVIS), who you will hear from later. We heard from Chief Gregory Moore of the Village of Bellwood Police Department in suburban Chicago.

During the hearing, Mr. Moore testified to the fact that the costs of operating police vehicles jeopardized the solvency of the police department's budget. That was just one indication of the impact on local governments. The list of the local impacts goes on and on and on.

What adds insult to injury in the current situation is the fact that while consumers nationwide struggle with gasoline and other energy prices, the big oil and gas companies are realizing greater and greater profits.

For example, in the summer of 1999, the average spread between the spot price of crude oil and gasoline was 8 cents per barrel. During the following summer, that spread rose to 15 cents per barrel. Shockingly during the month of April 2001, we saw that spread hit an all-time high of 34 cents per barrel.

What this dramatic increase means is that despite relative stability and refining costs, the profit margin for refiners has skyrocketed. This is only one example of how big energy continues to profit while consumers continue to pay unreasonable high prices.

Many industry experts and insiders, including President Bush and Vice President CHENEY argued that the recent windfalls in big energy profits is simply a result of national market reactions to constrained supply and energy across the board. But when gasoline companies in the Midwest and natural gas companies in the West walk the fine legal line and intentionally reduce the output, market forces are not at work, Mr. President. When unchecked merchant mania strangles competition in the petroleum industry, I would argue that market forces are not at work, Mr. President, and Mr. Vice President. When Midwestern petroleum refiners maliciously failed to make the investment in refineries in an effort to turn the public against locally produced clean burning fuel additives, market forces are certainly not at work, Mr. President and Mr. Vice President.

What makes matters worse is that in this feverish desire to pump up the free market, the President and the Vice President have forgotten about the very people that the market is supposed to benefit, the little people. And this fact was made perfectly clear in the nomination of Timothy J. Muris to the Federal Trade Commission.

□ 2300

Mr. Muris is a man who has been excessively critical of the very purpose, the mission, the object of that body, the Federal Trade Commission, which is singly to investigate unfair and deceptive corporate practices. Well, this certainly reminds me of the proverbial fox guarding the hen house.

Clearly, the President's National Energy Policy, which I quote, is ''designed to help bring together business, government, local communities and citizens'', is really designed to bring the big energy barons closer to the pockets of our beleaguered citizenry.

So in response to the administration's energy plans which sets a series of long-term goals for ''strengthening the market'', I challenge the President to remember that his constituency extends beyond big business. I also challenge the President to talk to the needy, the informed, the struggling, and the elderly about where our energy prices will be in 10 years. I challenge the President to tell the leaders of local government, municipalities who are on the verge of budget crisis that they will have to ride out volatile markets for the next 10 years.

So in closing, let me say that, as long as energy markets in this country remain unpredictable, consumers will be forced to suffer unexpected and undue hardship. We in Congress, and those in the White House, must find some way to level the playing field so that consumers are not forced to pay for the necessity of energy as though it was a luxury.

Unfortunately, the President's vague, uninspired and one-dimensional energy plan with its blind faith in the market shows that the administration has turned a blind eye to the current needs of the American people, to the right-now needs of the American consumer.

I want to thank again the gentleman from California (Mr. FILNER) for this opportunity, and I want to commend him again and exalt him and lift him up, because he has done such a magnificent job on this issue and other issues as we attempt to try to correct an insane, incentive, callous energy plan that the White House has come up with.

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois (Mr. RUSH) for telling us what is going on in Chicago. It sounds like Chicagoans have learned the same lesson as San Diegans.

This is not a crisis of supply and demand. This is not a crisis of environmental regulation or overregulation. This is a manipulation of the market by incredibly big firms and just a few of them who, whether it is gasoline or natural gas or electricity, have earned record, record profits from 500 percent to 1,000 percent per quarter higher than the previous quarter, while our people on fixed income, our small businesses, our big businesses are suffering, and the profits flow at the expense of our people.

Mr. Speaker, the best metaphor I have heard on this issue was from a Republican colleague in California who had said what is happening here is as if you were scheduled for a life-and-death operation in a hospital at 3 p.m., and you were getting prepared for that operation, and at 5 to 3:00, the administrator to the hospital comes in and says now how much were you willing to pay for that oxygen.''

This is not a question of lack of supply. This is not a question of cost of production. This is a question of control of a basic commodity at the very moment that it is needed. If one is not moral and if one is interested only in gouging and if one does not care about the people involved, one can charge whatever the market will bear.

We have also learned that the President's policy does nothing to help the situation.

So I thank the gentleman from Illinois (Mr. RUSH) for helping us here understand the issue. We are learning that the high prices are not the result of any market supply and demand curve. We are learning from the profit reports how much these multinational corporations are making.

Now, the issue becomes what are we as a society, what are we as a Congress going to do about it. The President has not given us an answer. The President has what I call a faith-based energy policy. He is praying to the markets. But I say to the President, there is no market here. There is no competition. There is withholding of supply. There is manipulation of statistics. There is gaming the system, and we are suffering.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS), another Member from the Chicago area who is with us to tell us about what is going on in the Midwest.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from California (Mr. FILNER) for yielding to me. I am pleased to join with him and the gentleman from California (Mr. SHERMAN), the gentleman from Illinois (Mr. RUSH), and large numbers of other people throughout the country who recognize that America, the world's most powerful economic engine, is suffering from a severe energy crisis. That means big trouble, big trouble for the American economy, but also big trouble for the world economy.

When the energy supply of an engine suddenly becomes erratic, unstable or insufficient, one can expect that the impact will be felt and felt soon. Well, the impact of our energy crisis is being felt from California to Illinois. America's families and America's small businesses all over the country are facing energy shutdowns and back-breaking prices for gasoline, natural goods, and electricity.

Suddenly, even middle-class families are facing the choice between paying their energy bills or paying their mortgages or car payments. Suddenly small businesses are being forced to cut back or, in some cases, even close. At the same time when most American corporations are reporting reduced earnings, energy companies are reporting record profits.

I remember Shakespeare saying one time that there was something rotten here, and I suspect that it is. Americans want to know what is going on, who is to blame. They deserve an answer, an honest answer.

What do we do? We know that California, for instance, has enough electrical generation capacity to meet their needs but that, under deregulation, power producers have strong incentives not to run plants at full capacity or even to shut them down to manipulate prices.

We know that, despite allegations of the difficulty in getting environmental permits to build new plants in California, nine major new power projects have been approved in the last 2 years, six of which are under construction.

We know that much of the high cost of gasoline in the Midwest and Illinois in particular has been attributed to the cost of additives for the summer reformulation of gas. Of course we know that we do not use those additives in Chicago. We use ethanol in plentiful and cheap supply even as gas prices jolted to well over $2 per gallon and remain there at most stations.

We know that more drilling for oil has been touted as a major fix for our energy crisis even though we have enough gasoline for the summer driving season. Even though California uses no oil to produce electricity and even though the drillers have targeted one of our national treasurers for drilling, the Arctic National Wildlife Refuge. We know that America, which ruthlessly demands productivity from its workers, which justifies the mass layoffs of workers in the name of productivity, squanders its energy and powers pollutants, greenhouse gases, acids and particulates in the air and water.

We also know that the administration has proposed reducing spending on energy efficiency and renewable energy by 15 percent and appears ready to repeal energy efficiency standards implemented in the 106th Congress. Those regulations, which would increase the efficiency of new washers and air conditioners, can meet 5 percent of our energy needs by 2020. That translates into about 60 fewer power plants than we would otherwise need.

By the way, these more efficient appliances would also save their owners money for the life of the appliance. We know that, according to Public Citizen,

that nine power companies and a trade association that stand to gain most from Federal energy policy decisions affecting California contributed more than $4 million to one party alone. Three of those companies gave $1.5 million.

So it has become something of a mantra among those here in Washington not to try and solve problems by simply throwing money at them. So I am amazed that here we are with a raging fire consuming our Nation with the inability of people to get the basic energy that they need. There is no real plan coming from our administration.

□ 2310

I say, and we say, that something must be done and it must be done now. And that is why I am pleased to be associated with individuals who are willing to act, who understand that inaction is not the way to solve problems, who recognize that we cannot stick our heads in the sand like an ostrich but who know that the American people are waiting, looking, seeking, and expecting that their government will act.

If deregulation has been the answer, it must have been an answer that I have not seen, or it must have been an answer that millions of other consumers have not seen. And so I think it is time to step in to act, and I thank the gentleman from California (Mr. FILNER) for acting this evening by organizing this opportunity for all of us to discuss this tremendous issue, and I yield back to the gentleman.

Mr. FILNER. I thank the gentleman from Illinois. I, like you, find it just inexplicable that we are going to be leaving for our Memorial Day recess and this majority refuses to act on this crisis.

Mr. DAVIS of Illinois. It is incredible, it is unbelievable, and I do not know how we can have a good holiday knowing that whatever it is that we are about to use just might not work.

Mr. FILNER. I thank the gentleman, and we appreciate hearing from the Midwest.

Mr. Speaker, my colleague, the gentleman from California (Mr. SHERMAN), and I, are going to try to discuss in the time that we have left the short-term and long-term solutions to this problem.

It is clear that the prices are bleeding us dry in California; my colleague from California told us in 2 years from $7 billion to $70 billion. The short-term answer involves getting down those prices. The long-term answer, and we will discuss what the Governor of California is doing and what the President of the United States is not doing, is to make sure that we diversify our resources of energy, get into alternative and renewable sources, and begin the discussion of public power, which, as the gentleman knows, Los Angeles is very familiar with, and have so avoided our problems in the rest of the State.

The prices have driven us to near bankruptcy in the State. Our major utilities are bankrupt. Sixty-five percent of the small businesses in San Diego County face bankruptcy this year. What should we do about these prices?

Mr. SHERMAN. The answer is simple and long in coming. The answer is established by Federal law and ignored by a Federal regulatory agency. Our law says that the price being charged by wholesale generators, those who bought the plants from our local utilities and are operating them, chiefly big companies based in Texas, that they should only charge fair and reasonable rates. And the Federal Energy Regulatory Commission, FERC, is there to make sure that they only charge reasonable rates. Well, California has been FERC'd.

The Federal Energy Regulatory Commission refuses to do its job. So we here in Congress need to force them to do their job. Alternatively, it would be just as good if we simply allowed California to do the job. It really is a multi-state market, but most of the plants that supply California are in California. Some might say, well, why can California not solve the problem by imposing fair, regulated price on these plants located in our State? The power of the Federal Government through preemption stands on our neck and watches our pockets being picked.

Mr. FILNER. It is amazing that an administration which stresses States' rights and wants to keep the government off our backs will not allow us to do that.

It costs 2 or 3 cents a kilowatt to produce electricity. We are paying in California anywhere from 30 cents to 50 cents to $1. It went up to $2 last week. Could go to $5, who knows. The cost of production has no relationship to what they are charging us nor to the amount of electricity available.

And the same for natural gas, by the way. Turns out that the El Paso Gas Company, which controls the pipeline into California, kept the pipeline empty to drive up the prices. So the guys who charge us for electricity say, we have to charge you more for electricity, the price of natural gas went up. Well, the price of natural gas went up because the cartel, which is a subsidiary of the same electric companies that are saying they have to pay this, shot up the prices arbitrarily also. It is the prices, stupid, to coin a phrase.

Mr. SHERMAN. We have an adequate supply of pipeline space into California. It would be good to have some more. But the supply of pipeline capacity to move the natural gas from Texas and Colorado into California is just tight enough, not so that there is a shortage, but tight enough so that you can create a shortage. And as the gentleman pointed out, that is exactly what several of these companies, based in Texas, close friends just down the street at 1600 Pennsylvania Avenue, that is what these companies have done.

That is why the cost of moving natural gas from Texas to California has gone up by 1,200 percent for the same pipelines. No new pipelines have been built. No new investment. Just a 1,200 percent increase in the price. And that is why it costs more to move a unit of natural gas from Texas to California than the value of the natural gas. So Californians are paying for this natural gas, which has gone up nationwide; and then we are paying to move the natural gas in an amount in excess of the value of that increased price that the rest of the country is paying for natural gas. And then that then flows in.

So these independent electric utilities are in an interesting circumstance. If they want to generate electricity, they have to pay for the natural gas to generate it. If they operate all out, they will produce enough electricity so they will have to sell it for a reasonable profit. But if they restrict production, they need less natural gas to produce less electricity which they can sell for a lot more money. Withholding supply.

Mr. FILNER. This is the irony of the situation and the answer to our critics when we say we need what is called cost-based rates, established by the Federal Government, to get these prices under control. Cost-based rates means the generator of electricity can get the cost of production plus a reasonable profit. That is what it was under regulation, and it worked for 100 years. We want to return to that.

Interestingly enough, when there are no caps on the price, there is, as the gentleman has described, an incentive to withhold production.

Mr. SHERMAN. Now, I should point out that that incentive exists only when things are close to shortage. There are States that have passed similar laws to California, but those are States that have been losing population, or at least losing relative population to the rest of the country. They are old and established States, the Internet has not touched them as much; and so those States have a significant oversupply, well over 15 percent oversupply of electric generating capacity.

It is not that this system can never work. It is just if you do it in a booming State, and California has been booming for a couple of years, you end up with a situation where you are close enough to shortage so they can smell the opportunity and get you.

Mr. FILNER. And they certainly took that opportunity.

So we need cost-based rates. We have legislation to do it. This Congress can take it up today, tomorrow, and pass it and bring some relief to people in California.

The Governor of California is doing everything he can to get out of the situation that the gentleman described, out of the tight supply situation. We have a dozen power plants online and getting into production. He is doing everything he can to encourage conservation with rebate programs and tax incentives to do this.

□ 2320

The governor of California, however, has no authority to regulate the wholesale price, only the Federal Government can do so.

So the Governor is working overtime. The legislature is working overtime, but they cannot bring down the prices because it is the Federal Government's responsibility. That is where we need to pass the legislation.

Mr. SHERMAN. It is not the 14 plants that have just been approved, four or five of them are going to be on-line this summer, many more will be on-line by next summer. Californians are working overtime in conservation. We are second only to Rhode Island in using less electricity per person. When new statistics are available, I am sure we will be first. Even the President of the United States praised California's efforts at conservation. Although, frankly, it was kind of back-handed. He was not doing it to praise California, he was doing it to insult conservation, on the theory that anything being done in California was unworthy of being embraced as national policy.

We are doing all we can except for this huge blockage, and that is a Federal Government that will not let us regulate the price at the wholesale level, and will not regulate the price itself and huge transfers of wealth to a few big corporations.

Mr. FILNER. I have heard it said never has so much money been transferred from so many people to so few in so short a time. We are being killed by the prices. The Federal Government must act or the whole economy is threatened. It is these same corporations that control this that have prevented real research and development and implementation of alternative sources of energy because they cannot control those sources. It is decentralized and one that is out of their power.

So through photovoltaic and solar sales and wind power, we can in fact have energy sufficiency and independence without relying on these corporations; and we have to move in that direction. Yet this President not only does not do anything for California in his plan, but in his budget cuts research into alternative energy sources and cuts conservation programs.

What is he doing for us. I cannot figure out whether it is a political attack, one out of ignorance or just plain, hey, my friends in Texas are telling me what to do and I am just going to do it.

Mr. SHERMAN. I take up that issue about conservation research and renewables. The President's budget which then passed the floor of this House cut those areas by a third. We are in the middle of an energy crisis, but we cut our research on renewables conservation. It is absolutely absurd.

Then the President, realizing that the whole country wants research into renewables and conservation, issued this glossy report in which he says he is going to provide $2 billion in tax credits for clean coal, billions more for those who buy energy-efficient appliances. Billions and billions, except for one thing, he cut the money in the budget. So which is the law of the land, the budget we pass here? The glossy booklet that they put out of the White House press office; it is unfortunately, in this case, the law.

That is why the President needs a blackout because in the light of day it becomes apparent what he is advocating on the one hand out of the press office, which there is no money in the budget for, there will be no money appropriated for, it will never happen; but it will be talked about.

Mr. FILNER. There is a myth that our colleague, the gentleman from California, the chairman of the Committee on Ways and Means said earlier today in a debate, California inflicted this upon ourself. Our environmental wackos overregulated and prevented plants from being built, and now we are suffering for it.

I want to talk about something that is going on in San Diego that will put a lie to that. I have a friend in San Diego who was a builder of power plants around the country. He is retired. He received environmental awards from all over the Nation for his ability to build power plants, but in both an architecturally and environmentally sensitive fashion.

He said last summer, I can build you a power plant, follow the environmental regulations, and it can be up and running in a fairly short amount of time. I can charge you what is called a cost-based rate which is roughly a nickel a kilowatt, and I will make money on it. I will make a profit, as I have always done. I will make sure that the people of San Diego have reasonably priced electricity. I will follow the environmental regulations.

We are in the process of trying to get that implemented. We are calling it the San Diego community power project. It puts a lie to this argument that California did this to itself because of environmental rules. We can respect the environment. We can have reasonably priced electricity if we have people like the builder of this plant, who understand that they can make money without gouging families and businesses in California.

Mr. SHERMAN. As I was talking about before, the private sector was not anxious to build plants in California. A few years ago they bought the existing plants at bargain prices, which is proof that there is no pent-up demand or desire to build plants. You can serve San Diego or Los Angeles with plants built in Nevada or Arizona or Oregon, and nobody was anxious to build plants in those States either, either to serve Las Vegas, a booming market, or California.

By the way, the electrons do not know when they pass a State boundary. The private sector did not want to build plants in the West. Now that we have these huge prices, a few companies are coming in to build, thank God.

If we have a moment, I would like to illustrate why it is that economics 101, which we are being fed by the White House office, is entirely wrong. If you only take one course in economics, you are told if you pay more for electricity, if you let the price go up and up, you will get more. Supply meeting demand. Then you have to take the advanced courses to learn what happens when somebody has monopoly power. If we had a regulated market, you could make the electricity, and you are talking about kilowatts, I will talk with megawatts, which are a thousand times as large. You make a megawatt for $30, sell it for $50, and you have no reason to withhold supply. Every megawatt you make, you make $20 on.

Mr. FILNER. And that is 66 percent profit.

Mr. SHERMAN. That is a good profit.

But if you have monopoly power and the White House is there to make sure that you do not get regulated, you produce less. Why produce a megawatt for $30 and sell it for $50 when by producing half as many, you can drive up the price to $500. You will sell fewer megawatts, but you will make an enormous profit on each one.

That is what is happening in California, and it is that simple to explain. With monopoly power, with the absence of regulation, with a White House that prevents us from proposing that regulation ourself, with a White House commission that refuses to follow the law and impose that regulation, and with a House Republican leadership that refuses to tell the Federal Government to impose that regulation, the way you make the obscene profits is you produce a lot less electricity and you sell each megawatt for a fortune.

Mr. FILNER. There is a power plant in my district in southern San Diego County, the biggest power plant in my area, and in January during a stage-3 emergency that we had, stage-3 alerts, the biggest generator of their four at this plant, a 250-megawatt generator, was somehow removed from service. This was at a time of a stage 3-alert.

Mr. SHERMAN. And the other turbines in the same plant were generating electricity and selling it for prices 50 and 100 times the rates being charged.

Mr. FILNER. Exactly. Not only were they making profits, I had thousands of people at plants in San Diego being sent home because their places of employment were blacked out or they had certain agreements with the utilities that they had to turn down their power during a stage-3 alert.

□ 2330

So we have the incredible situation of blackouts in San Diego and other parts of the State, almost fatal collisions, by the way, at intersections as the lights went out, possible health fatalities, businesses. I had the biggest business in my district, one of the biggest businesses in my district come to

me recently and say, they are going to have to leave San Diego and California because they cannot live with this uncertainty.

So we have the power. The power is there. By the way, when we asked them why they did not produce, a TV station had talked to one of the people working there, and they revealed the logs and they said, they just turned it off. First they told me, well, we turned it off because there was environmental problems, restrictions, and we went to the air quality board and they said, that is a lie, there is no restrictions. They said there were mechanical problems, but the mechanics there said there were none. Then they said the system operator in the State did not ask them; it turned out that they did.

So we have this incredible situation.

Mr. SHERMAN. Mr. Speaker, a stage-3 alert is a desperate situation where we are asking everybody to conserve and produce.

Mr. FILNER. And, the blackouts occurred at a time when our capacity for production theoretically is 45,000 megawatts, the demand in the wintertime when air-conditioning is not on is about 30,000, so we have a 30,000 megawatt demand, we have a 45,000 capacity. Economics 101 says there ought to be sufficient supply at a reasonable price. We had blackouts, and we had blackouts because of the situation that the gentleman described earlier.

I wonder if the gentleman might share with us also the experience of those with public power; that is, there are 3,000 communities around this country that have public power. The City of Los Angeles, which the gentleman knows very well, produces its own power and distributes it. The City of Sacramento I think has its own power supply. Those cities and those municipalities, those areas that have public power are not under the control, for the most part, of this energy cartel. Does it work?

Mr. SHERMAN. Mr. Speaker, it works just fine. In the City of Los Angeles, and I live within the city limits, the prices are the same, no blackouts; we have no problems. Our city produces a little bit more electricity than it needs and sells it to the gentleman's city and others in the west. Occasionally, somebody will say, maybe L.A. is charging San Diego too much or too little, and somebody will write a story about it on page 6 of the newspaper. But the overwhelming story, the headline story is, no story here.

Mr. Speaker, regulated electricity, that is to say privately owned but subject to rate regulation, costs plus profit, worked fine in our State and virtually every other State for 80 to 100 years. Something even more regulated, that is to say the government actually owning the means of production and selling the electricity itself, works fine in Sacramento, the City of Los Angeles, the City of Burbank.

Unregulated power seems to work well in some of the States where their economy is not growing at all and their population relative to the rest of the country is contracting. But in a State like ours that is growing a bit, surrounded by other States that are also experiencing growth, an unregulated market is an invitation to be gouged. The theorists may not have realized that at the time. It seems apparent now. When we try something and it does not work, we should go back to what we had before that was working pretty well.

Mr. Speaker, the Federal Government will not let us. We get lectures from the White House, lectures about how, if only we had elected Republicans, this would not have happened. But we are having a hard time hearing the lecture, because we are bound and gagged by Federal law that will not allow us to go back to the same system that worked so well for us.

Mr. FILNER. Mr. Speaker, if I can sum up from my perspective and then give the gentleman a similar chance, California is being bled dry by a cartel of energy wholesalers. We are being charged at a rate of $3 billion a month, and the State is purchasing that because the utilities are bankrupt. Our first job is to get down those prices. We have legislation which virtually all of the Democrats and some Republicans from the States of California, Washington, and Oregon are supporting, which establishes cost-based rates for electricity in the western region. That will bring down the prices and stop the hemorrhaging, while the governor is programmed to build new plants and conserve more has its effect. We must bring down those prices. This Congress has refused to act and is going home for its Memorial Day recess without doing that.

We have to move in addition, for the long range, and it really comes back to the same problem, because these cartels will not do the research for renewable resources, for sustainable energy. We could in California be pretty self-sufficient with photovoltaic cells if we brought down the cost and purchased in mass. We have to do more work in that. San Diego, as are other regions in the State, are moving toward a public power authority so we can have our own plant like the one that I described earlier. We can build and have some leverage in the system. We do not have to expropriate the San Diego gas and electric distribution system. At their rate, they will be very happy to do it. But we need some leverage of our own electricity and our own capacity so we can take control of our own future from this cartel.

Whether we looked at gasoline in Chicago or whether we looked at electricity in California or natural gas as it flows, as the gentleman described, from Texas into California, the economic situation is the same. There is no competition, there is no market, there is a manipulated and controlled situation by a small group of major corporations. We must bring them under control, and we as different communities must establish our own sources to get out of their control.

So I thank the gentleman, and I will give him the last word in the few minutes that we have left.

Mr. SHERMAN. Mr. Speaker, the gentleman is right to bring up the natural gas prices.

As I indicated, the price of moving natural gas went up by 1,200 percent. That happened right after the Federal Energy Regulatory Commission, the same culprit as in the other situation, deregulated the pipelines and allowed them to charge, through a loophole, to charge as much as they wanted to charge. Imagine your home is burning down. You might have one neighbor who, for some reason, does not help you. But only the most malevolent of neighbors would seize your hose, watch your home burn down, hold on to your hose and lecture you about how it is your fault, you should not let the fire break out to begin with.

California is burning. The Federal Government is holding our hose, and we are being hosed by Washington, which will not give us the rate regulation that virtually all Californians want, and will not let us do it ourselves.

Mr. FILNER. Mr. Speaker, we call on the President and this Congress to act today. I thank the gentleman from California, and I thank our colleagues from Illinois.

□ 2340

PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 22 minutes.

Mr. GANSKE. Mr. Speaker, we are about ready to head home on recess, so I want to speak to my colleagues about something that I think that we should address when we come back from this recess. That is the issue of patient protection legislation.

We have been dealing with this for several years. I have just a few minutes left before we close down for the evening.

This is a really important issue. HMOs are making hundreds of thousands if not millions of decisions each day that can adversely affect the health and lives of the people who are supposed to get their insurance from them.

Mr. Speaker, remember a few years ago the movie As Good as It Gets? We had Helen Hunt talking to Jack Nicholson during the movie about her son who had asthma and was not getting the proper authorization for treatment by her HMO.

She then went into a long string of expletives about her HMO, and I saw something happen in a movie theater I never saw happen at any other time.

People stood up, applauded, and clapped for the sentiment that Ms. Hunt was expressing about her HMO.

In fact, we know the sentiment is widespread when we start to see humor, even if it is black humor. Here we have a cartoon about HMOs. We have a doctor at an operating table. We have the HMO bean counter next to him. The doctor says, ''scalpel.'' The HMO bean counter says ''pocket knife.'' The doctor says ''suture.'' The HMO bean counter says ''bandaid.'' The doctor says, ''Let's get him to an intensive care unit.'' The doctor says, ''call a cab.''

Now, Members may think that is just a joke, it is just funny, except for the fact that down in Texas there was a suicidal man. His doctor recommended that he stay in the hospital. The HMO said, ''No, we are going to make the medical judgment that he does not need to be in the hospital. If he stays, we are not going to pay for it.''

The families, like most families, they cannot afford an out-of-pocket expense like a hospitalization, so they took this poor patient home. That night, sure enough, he drank half a gallon of anti-freeze and he committed suicide.

That HMO should be liable. They did not even follow the Texas law, which says that in that type of case, they ought to get an expedited external review.

That is why, for instance, stories appear all across the country every so often, things like in the New York Post, ''HMO's cruel rules leave her dying for the doc she needs.''

Here is another cartoon. The doctor is reading to a patient. The HMO physician says, ''Your best option is cremation, $359 fully covered,'' and the patient says, ''This is one of those HMO gag rules, isn't it, Doctor?''

Mr. Speaker, 5 years ago now, Members co-signed a bill that I wrote, 300-plus bipartisan cosponsors, that would ban those HMO gag rules, the rules that would keep a doctor from telling a patient all of their treatment options.

Do Members know what? We could not get the leadership to bring it to the floor, even though I had been promised, even though we could have brought it to the floor under suspension with no amendments, and it would have passed overwhelmingly. We could not get it to the floor. Why? Because the HMO industry is a powerful special interest group.

How about this headline: ''What his parents didn't know about HMOs may have killed this baby.'' Maybe that headline, that real-life headline, spawned this cartoon. We have the maternity hospital. We have a drive-through window. ''Now only 6-minute stays for new moms.'' Remember those HMO rules, drive-through deliveries? The hospital technician says, ''Congratulations. Would you like French fries with that?'' as mom and dad are pulling out with newborn baby.

How about this cartoon. HMO Claims Department: ''No, we don't authorize that specialist. No, we don't cover that operation. No, we don't pay for that medication.'' Then the HMO reviewer hears something over the telephone and ends up saying, ''No, we don't consider this assisted suicide.''

Do Members know what? That joke may be funny to some, but it is not funny to this family, this little girl and boy and the father. Because the HMO did not inform their mom that they were putting screws on one of the health centers not to provide her necessary treatment, she ended up dying. This case ended up being covered on the front cover of one of the national news magazines as an example of HMO abuse.

Now, this is really black humor. Here we have an HMO receptionist saying, ''Cuddly Care HMO. How can I help you? You are at the emergency room and your husband needs an approval for treatment? Oh, he is gasping, writhing, eyes rolled back in his head? Doesn't sound that serious to me. Clutching at his throat? Turning purple? Uh-huh.'' Then the reviewer says, ''Well, have you heard about an inhaler?'' Then the next one is ''He is dead?'' And the next one says, ''Well, then he certainly doesn't need treatment.'' And finally, the reviewer looks at us and says, ''People are always trying to rip us off.''

How about the case where this young woman fell 40 feet off a cliff about 70 miles from Washington, D.C. She had to be evacuated to an emergency room and intensive care. She had a broken pelvis, a fractured skull, a broken arm. Her HMO would not pay her bill. She had not phoned ahead for prior authorization. I guess she was supposed to know she was going to fall off a cliff.

Gee, it would be just like that prior cartoon, the HMO saying, ''Those patients, they are always trying to rip us off.''

Speaking about emergency care, this little boy, when he was 6 months old and needed emergency care in the middle of the night, he had a temperature of about 105, 104, 105, mom phoned the 1–800 number and was told to take him to one specific hospital, the only one the HMO contracted with. Mom said, ''Where is it?'' The answer on the telephone, ''I don't know. Find a map.'' It turned out it was 70 miles away. ''But we are only going to authorize that one hospital.''

So they passed several other hospitals, not knowing how sick their little boy is. He has a cardiac arrest. En route, they are lucky, they manage to keep him alive. His mom leaps out of the car carrying the little baby. When they finally get to the emergency room, they put an IV in. They save his life, but they do not save all of this little baby, because he ends up with gangrene of both hands and both feet, which have to be amputated, because that HMO made a medical judgment.

Instead of saying, ''Take that little boy to the nearest emergency room right away,'' they said, ''We do not think it is that important. Take him to this one that is 70 miles away, because we can save money that way. We have got a contract with that emergency room.''

Before coming to Congress, I was a reconstructive surgeon. I took care of little babies with cleft lips and pallates like this baby. Guess what, 50 percent of the surgeons in this country that do this kind of surgery in the last 2 years have had cases denied like this because this is, according to the HMO, a cosmetic condition.

How did we get to this sorry state? We got to this because 25 years ago, Congress passed a law called the Employee Retirement Income Security Act, which was primarily a pension law meant to be for the benefit of the employee. But somehow or other, health plans got included in this, and along came managed care, which was much more intrusive, and all of a sudden we now have a situation where, under employer plans, health plans do not have to follow any State regulations.

Furthermore, they are not liable or responsible for any of their decisions. Think about this. As far as I know, there is only one group of people or an institution in this country that is free of responsibility for their decisions, that is foreign diplomats, except for the HMOs and employer health plans.

That little boy who lost both hands and his feet, under Federal law that plan is responsible for nothing except the cost of his amputations.

That, unfortunately, has led employer health plans to cut corners. Not all of them. Some plans try to do the right thing. But some plans have definitely cut corners in order to save money, in order to satisfy their stockholders.

□ 2350

That has resulted in unfair processes and unfair denials. And, furthermore, under this Federal law, it basically says that a health plan can define medical necessity in any way they want to.

They can say in their contract that we define medical necessity as the cheapest, least expensive care. That means, for instance, that the little child that had the cleft lip that I just showed my colleagues would not be able to get that. The HMO could deny a surgical correction which is standard of care. Maybe we would just put a piece of plastic in the roof of his mouth, because after all that would be the cheapest least expensive care.

Mr. Speaker, that is the way it works under this Federal law, which took away the oversight from States where it had resided for 200-plus years in this country.

I think that is unconstitutional. I think that is an abridgement of the 10th amendment, but it is incumbent on Congress to fix that, because it was Congress that created this problem 25 years ago.

Now, I am not the only one who thinks this. The Federal judiciary

thinks this, too. In fact, Judge Pickering, the father of one of our colleagues here in the House, told me that he thinks we need to fix this. He has come up against cases like this. Here we have a statement from Judge Arbis in Pomeroy v. John Hopkins. He says the prevalent system of utilization review now in effect in most health care programs may warrant a reevaluation of ERISA by Congress so that its central purpose of protecting employees may be reconfirmed.

Another judge, Judge Gorton, in Turner v. Fallon says even more disturbing to this court is the failure of Congress to amend a statute that, due to the changing realities of the modern health care system, has gone conspicuously awry from it original intent.

We are talking about ERISA. We are talking about messages coming to us from the Federal bench.

Judge Bennett says in Prudential Insurance v. National Park Medical Center, if Congress wants the American citizens to have access to adequate health care, then Congress must accept its responsibility to define the scope of ERISA preemption and to enact legislation that will ensure every patient has access to that care.

The Supreme Court has looked at this and the Federal courts are working their way towards this goal case by case modifying this ERISA law, because they are seeing gross inequities, but it is a slow process.

Mr. Speaker, what are the courts doing? They are remanding these medical judgment cases back to the States.

The Supreme Court in Pegram v. Herdrich said decisions involving benefits stay in ERISA, but decisions involving medical judgment should go to the States where they have traditionally resided, where we have 200 years of case law. That is what they should be doing. That is what is in the Ganske-Dingell bill, the McCain-Edwards bill that should come before the House and before the Senate.

But there is an alternative. The alternative is, oh, let us just move all of that into the Federal courts. I cannot believe that Republicans would propose federalizing an entire area of health care.

Are we not the party that traditionally says this should be a purview for States? There are about how many States, there are now nine States that have passed HMO accountability laws, Arizona, California, Georgia, Louisiana, Maine, Oklahoma, Texas, the home State of President Bush, Washington, and West Virginia.

They have all enacted legislation that permits injured patients or their estates to hold health plans responsible for negligent decisions.

You know what? One of the bills on the other side of the Capitol, the House rules prevent me from naming names, not the McCain-Edwards bill, let us just say the Breaux-Frist bill, the Breaux-Frist bill would move all of that jurisdiction into Federal courts. That is a bad idea. It is unconstitutional if my colleagues care about the 10th amendment. But more than that, there are a lot of other reasons.

Let us look at them. We need to decide, should the proposed legislation, is it within the core functions of the Federal system? I am going to talk about that. Whether Federal courts have the capacity to take on that new business without additional resources; whether the Federal courts have the capacity to form their core functions and to fulfill their mandate for just, speedy and inexpensive determination of actions.

Chief Justice Rehnquist said this, the principle was enunciated by Abraham Lincoln in the 19th century. Dwight Eisenhower in the 20th century, matters that can be handled adequately by the States should be left to them; matters that cannot be handled should be undertaken by the Federal Government.

In a proposal for a long-range plan for the Federal courts, Rehnquist has said, Congress should commit itself to conserving the Federal courts as a distinctive judicial forum. Civil and criminal jurisdiction should be a sign to the Federal courts only to further clearly define justified national interests leaving to the State courts the responsibility for adjudicating all other matters, and that means specifically health care.

Federal courts are not the appropriate forum for deciding cases from HMO negligent decisions.

Just last year, the Judicial Conference of the United States stated ''personal injury claims arising from the provision or denial of medical treatment have historically been governed by State tort law and suits on such claims have traditionally and satisfactorily been resolved primarily in the State system.''

The State courts have significant experience in personal injury claims and would be an appropriate forum to consider personal injury actions pertaining to health care treatment. Federal courts cannot handle this. They already have a huge number of judicial vacancies under Federal law.

They are obligated to give priority to criminal cases. Criminal case filings go up every year. You could not get a speedy resolution to these types of decisions, especially if we are coupling this with a review system.

I say to my colleagues we are going to have this debate soon. The gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), I, and others, we have modified our bill. We have taken language from Senator NICKLES. We have taken language from the gentleman from Tennessee (Mr. HILLEARY). We have taken language from the gentleman from Arizona (Mr. SHADEGG).

We have made a good-faith effort to come up with a bill that includes a lot of ideas from other people. We have significant protections for employers. Employers cannot be responsible unless they directly participate in a decision.

The vast majority of employers do not want to have anything to do with a medical decision. They do not even want to know what is going on medically with their employees. It is a matter of privacy, and their employees do not want the employers to know.

So those are real and solid protections. The cost factor for our bill in terms of liability would be less than $2 per month per employee. That is less than the cost of a Big Mac meal.

We should remand these medical judgment decisions back to the States. We should fix the ERISA portion, and we should make sure that people get a fair shake from their HMOs.

This is something, Mr. Speaker, that I expect will come up shortly in the Senate and then come shortly to the House. I implore my colleagues to do the right thing, become familiar with the provisions of our bill, the Ganske-Dingell Bipartisan Patient Protection Law of 2001.

Let us pass this finally and let us do something for all of our constituents, all of them have experience with this through either a friend, a family member, a fellow worker. Eighty-five percent of the country has indicated that they think that Congress should pass a law to protect patients from HMO abuses.

Let us get this done finally, and let us put it on the President's desk. Our bill satisfies the President's principles. It is modeled after Texas law, and it would be a great victory for our constituents and the people who get their health care from their employers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VISCLOSKY (at the request of Mr. GEPHARDT) for today on account of attending a friend's funeral.

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. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. WICKER) to revise and extend their remarks and include extraneous material:)

Mr. SCHAFFER, for 5 minutes, today and May 24.

Mr. HORN, for 5 minutes, May 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAFICANT, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $5,019.

Mr. SCHAFFER, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,674.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 41. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival; to the Committee on Transportation and Infrastructure.

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. 1727. An act to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty.

BILL PRESENTED TO THE PRESIDENT

Mr. Trandahl, Clerk of the House, reported that on this day he presented to the President, for his approval, a bill of the House of the following title:

H.R. 1696. To expedite the construction of the World War II memorial in the District of Columbia.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, May 24, 2001, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and an amended report concerning the foreign currencies and U.S. dollars utilized for official foreign travel, by Committees of the House of Representatives, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the first quarter of 2001 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO NETHERLANDS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 27 AND MAR. 29, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abigail Shannon	3/27	3/29	Netherlands		157.00		6,079.14				6,236.14
Committee total											6,236.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ABIGAIL SHANNON, Apr. 4, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO INDIA AND PAKISTAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 25, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ed Royce	2/15	2/16	Greece		100.00						100.00
	2/16	2/22	India		1,830.00		3,392.00				5,222.00
Hon. David Bonior	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		350.00				1,870.00
	2/21	2/24	Pakistan		677.00						677.00
	2/24	2/25	Greece		122.00						122.00
Hon. Jim McDermott	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		350.00				1,870.00
	2/21	2/24	Pakistan		677.00						677.00
	2/24	2/25	Greece		122.00						122.00
Hon. Joe Pitts	2/15	2/16	Greece		100.00						100.00
	2/16	2/20	India		1,520.00		275.00				1,795.00
	2/20	2/23	Pakistan		653.00						653.00
Thomas P. Sheehy	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		434.00				1,954.00
	2/21	2/24	Pakistan		677.00		54.00				731.00
	2/24	2/25	Greece		122.00						122.00
Scott Paul	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		350.00				1,870.00
	2/21	2/24	Pakistan		677.00						677.00
	2/24	2/25	Greece		122.00						122.00
Chris Dumm	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		307.00				1,827.00
	2/21	2/24	Pakistan		677.00						677.00
	2/24	2/25	Greece		122.00						122.00
Michelle Lo	2/15	2/16	Greece		100.00						100.00
	2/16	2/21	India		1,520.00		307.00				1,827.00
	2/21	2/24	Pakistan		677.00		20.00				697.00
	2/24	2/25	Greece		122.00						122.00
Committee total					18,717.00		5,839.00				24,556.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ED ROYCE, Chairman, Mar. 23, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM, FRANCE, TURKEY, ITALY, AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 26, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Marge Roukema	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Porter Goss	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Paul Gillmor	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Roy Blunt	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Norm Sisisky	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. John Tanner	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Nick Lampson	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. Tom Udall	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/26	Portugal		67.00						2,093.00
Hon. John Shimkus	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00		627.97				2,299.97
Hon. Robert Borski	2/16	2/20	Belgium		1,032.00						
	2/20	2/22	France		640.00		2,747.97				4,419.97
Susan Olson	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00						
	2/25	2/25	Portugal		67.00		2,220.80				4,493.80
Robin Evans	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00		3,738.15				5,944.15
Jo Weber	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00		3,738.15				5,944.15
John Herzberg	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00		3,738.15				5,944.15
Walker J. Roberts	2/15	2/20	Belgium		1,212.00						
	2/20	2/22	France		640.00						
	2/22	2/24	Turkey		150.00						
	2/24	2/25	Italy		204.00		3,738.15				5,944.15
David Fite	2/17	2/20	Belgium		696.00		4,902.97				5,598.97
Committee total					33,974.00		25,452.31				59,426.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Chairman, Apr. 4, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TO LITHUANIA, ITALY, AND LUXEMBOURG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEEN MAR. 22 AND MAR. 26, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
The Speaker	3/22	3/24	Lithuania		447.00		[3]				447.00
Hon. Rob Portman	3/22	3/24	Lithuania		447.00		[3]				447.00
Charlie Johnson	3/22	3/24	Lithuania		447.00		[3]				447.00
Scott Palmer	3/22	3/24	Lithuania		447.00		[3]				447.00
Chris Walker	3/22	3/24	Lithuania		447.00		[3]				447.00
Bill Livingood	3/22	3/24	Lithuania		447.00		[3]				447.00
Dr. Eisold	3/22	3/24	Lithuania		447.00		[3]				447.00
Paige Ralston	3/22	3/24	Lithuania		447.00		[3]				447.00
The Speaker	3/24	3/25	Italy		157.00		[3]				157.00
Hon. Rob Portman	3/24	3/25	Italy		157.00		[3]				157.00
Charlie Johnson	3/24	3/25	Italy		334.00		[3]				334.00
Scott Palmer	3/24	3/25	Italy		334.00		[3]				334.00
Chris Walker	3/24	3/25	Italy		334.00		[3]				334.00
Bill Livingood	3/24	3/25	Italy		334.00		[3]				334.00
Dr. Eisold	3/24	3/25	Italy		334.00		[3]				334.00
Paige Ralston	3/24	3/25	Italy		334.00		[3]				334.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TO LITHUANIA, ITALY, AND LUXEMBOURG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEEN MAR. 22 AND MAR. 26, 2001—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
The Speaker	3/25	3/26	Luxembourg		245.00		[3]				245.00
Hon. Rob Portman	3/25	3/26	Luxembourg		245.00		[3]				245.00
Charlie Johnson	3/25	3/26	Luxembourg		245.00		[3]				245.00
Scott Palmer	3/25	3/26	Luxembourg		245.00		[3]				245.00
Chris Walker	3/25	3/26	Luxembourg		245.00		[3]				245.00
Bill Livingood	3/25	3/26	Luxembourg		245.00		[3]				245.00
Dr. Eisold	3/25	3/26	Luxembourg		245.00		[3]				245.00
Paige Ralston	3/25	3/26	Luxembourg		245.00		[3]				245.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, May 2, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO NETHERLANDS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 26 AND MAR. 29, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abigail Shannon	3/27	3/20	Netherlands		67.00		6,079.14				6,213.14
Committee total											6,213.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ABIGAIL SHANNON, Apr. 3, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 29 AND APR. 1, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	3/29	4/1	Italy		895.00						895.00
Hon. Ralph Regula	3/29	4/1	Italy		895.00						895.00
Hon. Robert Borski	3/29	4/1	Italy		895.00						895.00
Susan Olson	3/29	4/1	Italy		895.00						895.00
Committee total					3,580.00						3,580.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Chairman, May 1, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL TO SENEGAL, NIGERIA, GHANA, AND MOROCCO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 6 AND APR. 11, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J.C. Watts, Jr	4/6	4/7	Senegal	117,710	158.00		[3]			117,710	158.00
Hon. Michael McNulty	4/6	4/7	Senegal	117,710	158.00		[3]			117,710	158.00
Hon. Peter Hoekstra	4/6	4/7	Senegal	117,710	158.00		[3]			117,710	158.00
Hon. Wes Watkins	4/6	4/7	Senegal	117,710	158.00		[3]			117,710	158.00
Hon. John Cooksey	4/6	4/7	Senegal	117,710	158.00		[3]			117,710	158.00
Hon. Bob Schaffer	4/6	4/7	Senegal	117,710	158.00		[3]			117,710	158.00
Elroy Sailor	4/6	4/7	Senegal	117,710	158.00		[3]			117,710	158.00
Christine Iverson	4/6	4/7	Senegal	117,710	158.00		[3]			117,710	158.00
Jon Vanden Heuvel	4/6	4/7	Senegal	117,710	158.00		[3]			117,710	158.00
Hon. J.C. Watts, Jr	4/7	4/9	Nigeria	128,619	1,037.25		[3]			128,619	1,037.25
Hon. Michael McNulty	4/7	4/9	Nigeria	91,420	737.25		[3]			91,420	737.25
Hon. Peter Hoekstra	4/7	4/9	Nigeria	91,420	737.25		[3]			91,420	737.25
Hon. Wes Watkins	4/7	4/9	Nigeria	91,420	737.25		[3]			91,420	737.25
Hon. John Cooksey	4/7	4/9	Nigeria	91,420	737.25		[3]			91,420	737.25
Hon. Bob Schaffer	4/7	4/9	Nigeria	91,420	737.25		[3]			91,420	737.25
Elroy Sailor	4/7	4/9	Nigeria	91,420	737.25		[3]			91,420	737.25
Christine Iverson	4/7	4/9	Nigeria	91,420	737.25		[3]			91,420	737.25
Jon Vanden Heuvel	4/7	4/9	Nigeria	91,420	737.25		[3]			91,420	737.25
Hon. J.C. Watts, Jr	4/9	4/10	Ghana	1,610,460	230.00		[3]			1,610,460	230.00
Hon. Michael McNulty	4/9	4/10	Ghana	1,610,460	230.00		[3]			1,610,460	230.00
Hon. Peter Hoekstra	4/9	4/10	Ghana	1,610,460	230.00		[3]			1,610,460	230.00
Hon. Wes Watkins	4/9	4/10	Ghana	1,610,460	230.00		[3]			1,610,460	230.00
Hon. John Cooksey	4/9	4/10	Ghana	1,610,460	230.00		[3]			1,610,460	230.00
Hon. Bob Schaffer	4/9	4/10	Ghana	1,610,460	230.00		[3]			1,610,460	230.00
Elroy Sailor	4/9	4/10	Ghana	1,610,460	230.00		[3]			1,610,460	230.00
Christine Iverson	4/9	4/10	Ghana	1,610,460	230.00		[3]			1,610,460	230.00
Jon Vanden Heuvel	4/9	4/10	Ghana	1,610,460	230.00		[3]			1,610,460	230.00
Hon. J.C. Watts, Jr	4/10	4/11	Morocco	2,662	242.00		[3]			2,662	242.00
Hon. Michael McNulty	4/10	4/11	Morocco	2,662	242.00		[3]			2,662	242.00
Hon. Peter Hoekstra	4/10	4/11	Morocco	2,662	242.00		[3]			2,662	242.00
Hon. Wes Watkins	4/10	4/11	Morocco	2,662	242.00		[3]			2,662	242.00
Hon. John Cooksey	4/10	4/11	Morocco	2,662	242.00		[3]			2,662	242.00
Hon. Bob Schaffer	4/10	4/11	Morocco	2,662	242.00		[3]			2,662	242.00
Elroy Sailor	4/10	4/11	Morocco	2,662	242.00		[3]			2,662	242.00
Christine Iverson	4/10	4/11	Morocco	2,662	242.00		[3]			2,662	242.00
Jon Vanden Heuvel	4/10	4/11	Morocco	2,662	242.00		[3]			2,662	242.00
Committee total					12,605.25						12,605.25

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J.C. WATTS, JR., Chairman, Apr. 23, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH AFRICA, KENYA, TUNISIA, AND NIGERIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 6 AND APR. 18, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Sherwood L. Boehlert	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Jerry F. Costello	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Robert E. Cramer	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Jennifer Dunn	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. E.B. Johnson	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. John L. Mica	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Richard W. Pombo	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Deborah Pryce	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Bobby L. Rush	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. Paul Ryan	4/7	4/11	South Africa		511.00		(3)				511.00
Scott Palmer	4/7	4/11	South Africa		511.00		(3)				511.00
Susan Hirschmann	4/7	4/11	South Africa		511.00		(3)				511.00
Chris Walker	4/7	4/11	South Africa		511.00		(3)				511.00
Christy Surprenant	4/7	4/11	South Africa		511.00		(3)				511.00
Ted VanDerneid	4/7	4/11	South Africa		511.00		(3)				511.00
Cassandra Q. Butts	4/7	4/11	South Africa		511.00		(3)				511.00
Dwight Comedy	4/7	4/11	South Africa		511.00		(3)				511.00
Bill Livingood	4/7	4/11	South Africa		511.00		(3)				511.00
Hon. J. Dennis Hastert	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Sherwood L. Boehlert	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Jerry F. Costello	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Robert E. Cramer	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Jennifer Dunn	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. E.B. Johnson	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. John L. Mica	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Richard W. Pombo	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Deborah Pryce	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Bobby Rush	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. Paul Ryan	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Scott Palmer	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Susan Hirschmann	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Chris Walker	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Christy Surprenant	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Ted VanDerMeid	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Cassandra Q. Butts	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Dwight Comedy	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Bill Livingood	4/11	4/14	Kenya		504.00		(3)		295.18		799.18
Hon. J. Dennis Hastert	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Sherwood L. Boehlert	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Jerry F. Costello	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Robert E. Cramer	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Jennifer Dunn	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. E.B. Johnson	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. John L. Mica	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Richard W. Pombo	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Deborah Pryce	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Bobby L. Rush	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. Paul Ryan	4/14	4/17	Tunisia		552.00		(3)				552.00
Scott Palmer	4/14	4/17	Tunisia		552.00		(3)				552.00
Susan Hirschmann	4/14	4/17	Tunisia		552.00		(3)				552.00
Chris Walker	4/14	4/17	Tunisia		552.00		(3)				552.00
Christy Surprenant	4/14	4/17	Tunisia		552.00		(3)				552.00
Ted VanDerMeid	4/14	4/17	Tunisia		552.00		(3)				552.00
Cassandra Q. Butts	4/14	4/17	Tunisia		552.00		(3)				552.00
Dwight Comedy	4/14	4/17	Tunisia		552.00		(3)				552.00
Bill Livingood	4/14	4/17	Tunisia		552.00		(3)				552.00
Hon. J. Dennis Hastert	4/17	4/17	Nigeria		0		(3)				
Hon. Sherwood Boehlert	4/17	4/17	Nigeria		0		(3)				
Hon. Jerry F. Costello	4/17	4/17	Nigeria		0		(3)				
Hon. Robert E. Cramer	4/17	4/17	Nigeria		0		(3)				
Hon. Jennifer Dunn	4/17	4/17	Nigeria		0		(3)				
Hon. E.B. Johnson	4/17	4/17	Nigeria		0		(3)				
	(4)	(4)	(4)		(4)		(4)				
Hon. Richard W. Pombo	4/17	4/17	Nigeria		0		(3)				
Hon. Deborah Pryce	4/17	4/17	Nigeria		0		(3)				
Hon. Bobby Rush	4/17	4/17	Nigeria		0		(3)				
Hon. Paul Ryan	4/17	4/17	Nigeria		0		(3)				
Scott Palmer	4/17	4/17	Nigeria		0		(3)				
Susan Hirschmann	4/17	4/17	Nigeria		0		(3)				
Chris Walker	4/17	4/17	Nigeria		0		(3)				
Christy Surprenant	4/17	4/17	Nigeria		0		(3)				
Ted VanDerMeid	4/17	4/17	Nigeria		0		(3)				
Cassandra Q. Butts	4/17	4/17	Nigeria		0		(3)				
Dwight Comedy	4/17	4/17	Nigeria		0		(3)				
Bill Livingood	4/17	4/17	Nigeria		0		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Congressman Mica departed on other travel and did not continue with congressional delegation.

J. DENNIS HASTERT, Chairman, May 3, 2001.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2082. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers; Amendment to the Capital Charge on Unsecured Receivables Due From Foreign Brokers (RIN: 3038–AB54) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2083. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Options Transactions—received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2084. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Bacillus thuringiensis Cry3Bb1 and Cry2Ab2 Protein and the Genetic Material Necessary for its Production in Corn and Cotton; Exemption from the Requirement of a Tolerance [OPP–301123; FRL–6781–6] (RIN: 2070–AB78) received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2085. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Procedural Rules for DOE Nuclear Activities; General Statement of Enforcement Policy—received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2086. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities; New York [Region 2 Docket No. NY46–217a, FRL–6977–2] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2087. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of New Hampshire [FRL–6978–8] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2088. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [FRL–6950–2] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2089. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast [FRL–6978–5] (RIN: 2060–AF30) received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2090. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors [FRL–6978–4] received May 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2091. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Coconino County, Mohave County, and Yuma County [AZ 094–0027a; FRL–6916–2] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2092. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Allocation of Drinking Water State Revolving Fund Monies [FRL–6978–7] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2093. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Stage II Vapor Recovery Regulations for Southwest Pennsylvania [PA157–4112a; FRL–6981–5] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2094. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 2002; to the Committee on Energy and Commerce.

2095. A letter from the District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

2096. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation; Administrative Amendments [FRL–6955–3] received May 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2097. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Special Regulations for the Preble's Meadow Jumping Mouse (RIN: 1018–AF30) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2098. A letter from the Fisheries Biologist, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Designated Critical Habitat: Critical Habitat for Johnson's Seagrass [Docket No. 991116305–0083–02; I.D. No. 110599D][A] (RIN: 0648–AL82) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2099. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2001 Management Measures [I.D. 042401D] (RIN:0648–AO49) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2100. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001–27] received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2101. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxable Fuel Measurement [TD 8945] (RIN: 1545–AY85) received May 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 819. A bill to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building'' (Rept. 107–75). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 147. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–76). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1407. A bill to amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than July 9, 2001, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 107–77, 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. LANTOS (for himself, Ms. ESHOO, Ms. PELOSI, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. LEE, Mr. HONDA, and Ms. LOFGREN):

H.R. 1953. A bill to revise the boundaries of Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. BERMAN, Mr. ARMEY, Mr. GEPHARDT, Ms. PRYCE of Ohio, Mr. LANTOS, Mr. COX, Mr. ACKERMAN, Mr. BLUNT, Mr. WAXMAN, Mr. ADERHOLT, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BAKER, Ms. BALDWIN, Mr. BASS, Mr. BECERRA, Mr. BENTSEN, Ms. BERKLEY, Mr. BOEHLERT, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BLAGOJEVICH, Mr. BONILLA, Mrs. BONO, Mr. BORSKI, Mr. BOYD, Mr. BROWN of Ohio, Mr. BROWN of South Carolina, Mr. BRYANT, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CANTOR, Mrs. CAPPS, Mr. CARSON of Oklahoma, Mr. CAPUANO, Mr. CARDIN, Mr. COBLE, Mr. CONDIT, Mr. COSTELLO, Mr. CRENSHAW, Mr. CROWLEY, Mr. DAVIS of Florida, Mrs. JO ANN DAVIS of Virginia, Mrs. DAVIS of California, Mr. TOM DAVIS of Virginia, Ms. DEGETTE, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DOOLITTLE, Mr. DOYLE, Mr. EHLERS, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FERGUSON, Mr. FILNER, Mr. FLAKE, Mr. FOLEY, Mr. FORD, Mr. FOSSELLA, Mr. FRANK, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GANSKE, Mr. GALLEGLY, Mr. GEKAS, Mr. GILCHREST, Mr. GILLMOR, Mr. GONZALEZ, Mr. GORDON, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. GRAVES, Mr. GRUCCI, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HARMAN, Ms. HART, Mr. HAYES, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOEFFEL, Mr. HOLT, Mr. HOLDEN, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOYER, Mr. HUNTER, Mr. HUTCHINSON, Mr. ISRAEL, Mr. ISSA, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KING, Mr. KINGSTON, Mr. KIRK, Mr. KNOLLENBERG, Mr. LANGEVIN, Mr.

LAMPSON, Mr. LARSON of Connecticut, Mr. LATOURETTE, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Mrs. LOWEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCCRERY, Mr. MCGOVERN, Mr. MCINNIS, Mr. MCKEON, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MASCARA, Mr. MATSUI, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICA, Ms. MILLENDER-MCDONALD, Mr. MILLER of Florida, Mr. GEORGE MILLER of California, Mrs. MORELLA, Mr. MURTHA, Mrs. MYRICK, Mr. NADLER, Mrs. NORTHUP, Mr. NORWOOD, Mr. OSE, Mr. OTTER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Ms. PELOSI, Mr. PHELPS, Mr. PITTS, Mr. PLATTS, Mr. PUTNAM, Mr. RAMSTAD, Mr. REHBERG, Mr. REYNOLDS, Mr. RILEY, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROHRABACHER, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. RYUN of Kansas, Mr. SABO, Mr. SANDLIN, Mr. SAXTON, Mr. SCARBOROUGH, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHROCK, Mr. SESSIONS, Mr. SHAW, Mr. SHADEGG, Mr. SHERMAN, Mr. SHOWS, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. STUPAK, Mr. SWEENEY, Mr. TANNER, Mrs. TAUSCHER, Mr. TAUZIN, Mr. TERRY, Mr. THOMPSON of California, Mrs. THURMAN, Mr. TIBERI, Mr. UDALL of New Mexico, Mr. UNDERWOOD, Mr. VISCLOSKY, Mr. VITTER, Mr. WAMP, Mr. WEINER, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WEXLER, Mr. WICKER, Ms. WOOLSEY, Mr. WU, and Mr. YOUNG of Alaska):

H.R. 1954. A bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; to the Committee on International Relations, and in addition to the Committees on Financial Services, 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. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr. DEFAZIO):

H.R. 1955. A bill to redesignate the Raystown Lake located on the Raystown Branch of the Juniata River in Pennsylvania, as the ''Bud Shuster Lake''; to the Committee on Transportation and Infrastructure.

By Mr. PICKERING (for himself, Mr. COMBEST, Mr. SIMPSON, Mr. OTTER, Mrs. THURMAN, and Mr. HAYES):

H.R. 1956. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on 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. EVANS (for himself, Ms. BERKLEY, Mr. FILNER, Ms. BROWN of Florida, Mr. RODRIGUEZ, Mr. UDALL of New Mexico, Ms. MCKINNEY, Mr. FALEOMAVAEGA, Mr. FROST, Ms. PELOSI, Mr. SANDERS, and Mr. WYNN):

H.R. 1957. A bill to amend title 38, United States Code, to expand the list of diseases presumed to be service connected in the case of radiation-exposed veterans and to expand the circumstances deemed to have been radiation-risk activities for members of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. ABERCROMBIE (for himself, Mrs. TAUSCHER, Ms. MCKINNEY, Mr. BARTLETT of Maryland, Mr. HANSEN, Mr. FILNER, Mrs. MINK of Hawaii, Mr. KUCINICH, and Mr. ORTIZ):

H.R. 1958. A bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance the Montgomery GI Bill by members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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. BACA:

H.R. 1959. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income to individuals for expenses paid in using mass transit facilities; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 1960. A bill to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Financial Services.

By Mr. BLUNT (for himself, Mr. GREEN of Texas, Mrs. EMERSON, Ms. BROWN of Florida, Ms. KILPATRICK, Mr. ISAKSON, Mr. DAVIS of Illinois, Mr. MCCRERY, Mr. OXLEY, Ms. MCCARTHY of Missouri, Mrs. MALONEY of New York, Mr. BONIOR, Mr. FILNER, Mr. BROWN of Ohio, Mr. GONZALEZ, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, and Ms. CARSON of Indiana):

H.R. 1961. A bill to promote research to identify and evaluate the health effects of breast implants; to ensure that women receive accurate information about such implants and to encourage the Food and Drug Administration to thoroughly review the implant manufacturers' standing with the agency; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. TAYLOR of Mississippi):

H.R. 1962. A bill to amend title 10, United States Code, to modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance; to the Committee on Armed Services.

By Mr. COSTELLO:

H.R. 1963. A bill to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System; to the Committee on Resources.

By Mr. DEFAZIO (for himself, Mr. BARTON of Texas, Mr. BURR of North Carolina, Mr. EVANS, Mr. FRANK, Mr. PAUL, Mr. ROYCE, Mr. SANDERS, and Mr. WYNN):

H.R. 1964. A bill to allow patients access to drugs and medical devices recommended and provided by health care practitioners under strict guidelines, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEKAS:

H.R. 1965. A bill to clarify the Administrative Dispute Resolution Act of 1996 to authorize the Merit Systems Protection Board to establish under such Act a 3-year pilot program that will provide a voluntary early intervention alternative dispute resolution process to assist Federal agencies and employees in resolving certain personnel actions, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, 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. HOSTETTLER (for himself, Mr. STEARNS, Mr. SESSIONS, Mr. STUMP, Mr. SCHAFFER, Mr. BOUCHER, and Mr. JONES of North Carolina):

H.R. 1966. A bill to establish certain uniform legal principles of liability with respect to manufacturers of products; to the Committee on the Judiciary, 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 Mr. KUCINICH (for himself, Mr. BONIOR, Mr. VISCLOSKY, Ms. MCKINNEY, Mr. SANDERS, Mr. FILNER, Mr. HALL of Ohio, Mr. SHERMAN, Ms. LEE, Ms. WOOLSEY, Mr. KANJORSKI, Mr. DAVIS of Illinois, Ms. CARSON of Indiana, and Mr. MCGOVERN):

H.R. 1967. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to allow an income tax credit for purchases of fuel-efficient passenger vehicles, and to allow grants for mass transit; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and 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 Mrs. MALONEY of New York (for herself, Mr. BOEHLERT, Mr. CAPUANO, Mr. GILCHREST, Mr. WYNN, Mr. MCHUGH, Mr. GREEN of Texas, Mr. RANGEL, Mr. MCDERMOTT, Mrs. THURMAN, Mr. GORDON, Ms. MCCARTHY of Missouri, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. FROST, Mr. ROEMER, Mr. DOOLEY of California, Mr. EVANS, Mr. BLAGOJEVICH, Ms. NORTON, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. STENHOLM, Mr. MCNULTY, Mr. SANDERS, Mr. FRANK, Mr. CONYERS, Mrs. MINK of Hawaii, Mr. TIERNEY, Ms. MCKINNEY, Ms. BALDWIN, Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. BAIRD, Mr. NADLER, Mr. MCGOVERN, and Mr. PHELPS):

H.R. 1968. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1986 with respect to the National Health Service Corps; to the Committee on Energy and Commerce, and in addition to the Committee on 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. MCDERMOTT:

H.R. 1969. A bill to amend the Internal Revenue Code of 1986 to provide an interest-free source of capital to cover the costs of installing residential solar energy equipment; to the Committee on Ways and Means.

By Mr. MCNULTY (for himself, Mr. EVANS, Mr. LEACH, and Mr. SWEENEY):

H.R. 1970. A bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances; to the Committee on Armed Services.

By Mrs. MEEK of Florida:

H.R. 1971. A bill to amend the National Voter Registration Act of 1993 to require

States to give notice and an opportunity for review prior to removing individuals from the official list of eligible voters in elections for Federal office by reason of criminal conviction, and for other purposes; to the Committee on House Administration.

By Mr. NORWOOD:

H.R. 1972. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 1973. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. OSE (for himself and Mr. HORN):

H.R. 1974. A bill to amend the Federal Power Act to provide the Federal Energy Regulatory Commission with authority to order certain refunds of electric rates, to require the Commission to expand its market mitigation plan, and to provide the Secretary of Energy with authority to revoke the market mitigation plan under certain circumstances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Ms. DUNN, Mr. POMEROY, Mr. GORDON, Mr. PICKERING, Mr. FOLEY, Mr. TERRY, Mr. KIRK, Mr. LEWIS of Kentucky, Mr. TANCREDO, Mr. BUYER, Mr. TANNER, and Mr. PENCE):

H.R. 1975. A bill to modify the deadline for initial compliance with the standards and implementation specifications promulgated under section 1173 of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on 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. UDALL of Colorado (for himself and Mr. HEFLEY):

H.R. 1976. A bill to clarify the authority of the Secretary of Defense to respond to environmental emergencies; to the Committee on Armed Services.

By Mr. UNDERWOOD (for himself and Mr. SCHAFFER):

H.R. 1977. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

By Ms. WATERS (for herself, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CONYERS, Mr. CUMMINGS, Mr. FATTAH, Mr. FRANK, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. MCGOVERN, Mr. MEEKS of New York, Mrs. MINK of Hawaii, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. WYNN, Ms. MCKINNEY, and Mr. WATT of North Carolina):

H.R. 1978. A bill to concentrate Federal resources aimed at the prosecution of drug offenses on those offenses that are major; to the Committee on the Judiciary, 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 Mr. WICKER:

H.R. 1979. A bill to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA (for herself, Mr. LAFALCE, Mrs. MORELLA, Mr. GRUCCI, Mr. DUNCAN, Mr. COYNE, Mr. LAMPSON, Ms. DELAURO, Mr. PASCRELL, Mr. CAPUANO, Mr. MASCARA, Mr. DAVIS of Illinois, Mr. BONIOR, Mr. ENGLISH, Mr. DEFAZIO, Mr. DOYLE, and Mr. MICA):

H. Con. Res. 141. Concurrent resolution expressing the sense of the Congress that the entertainment industry should stop the negative and unfair stereotyping of Italian-Americans, and should undertake an initiative to present Italian-Americans in a more balanced and positive manner; to the Committee on Energy and Commerce.

By Mr. SAXTON (for himself, Mr. JONES of North Carolina, Mr. KING, Mr. MCINTYRE, Mr. NADLER, Mr. PALLONE, Mrs. ROUKEMA, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. CASTLE, Mr. GRUCCI, Mr. ENGLISH, Mr. LOBIONDO, and Mr. LAMPSON):

H. Con. Res. 142. Concurrent resolution expressing the sense of Congress that Federal participation in the funding of Corps of Engineers projects for shore protection and beach replenishment should not be reduced; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H. Res. 146. A resolution providing for consideration of the bill (H.R. 1076) to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

77. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 87 memorializing the United States Congress to establish and fund a U.S. Department of Agriculture—Pacific Basin Agricultural Research Center-managed cacao germplasm center in Hawaii; to the Committee on Agriculture.

78. Also, a memorial of the Legislature of the State of Nevada, relative to Joint Resolution No. 1 memorializing the President and the United States Congress to increase federal funding for special education to 40 percent level authorized by the Individuals with Disabilities Education Act so that the State of Nevada and other states can fully meet the needs of children with disabilities; to the Committee on Education and the Workforce.

79. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 38 memorializing the United States Congress to appropriate funds for forty per cent of special education and related services for children with disabilities; to the Committee on Education and the Workforce.

80. Also, a memorial of the General Assembly of the State of Missouri, relative to a Resolution memorializing the United States Congress, that before considering any other education initiatives, the Individuals with Disabilities Education Act (IDEA) receive prompt and full funding, and the reporting requirements of IDEA be significantly reduced; to the Committee on Education and the Workforce.

81. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 27 memorializing the United States Congress to authorize the Governor of the State of Hawaii, or designee, to take all necessary actions to establish a sister-state affiliation with the Province of Thua Thien-Hue; to the Committee on International Relations.

82. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 14 memorializing the United States Congress to adopt legislation that dedicates the Old Spanish Trail and the Antonio Armijo Route of the Old Spanish Trail as a National Historic Trail; to the Committee on Resources.

83. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 2 memorializing the United States Congress to oppose the designation of a national monument by the President of the United States without obtaining the approval of each state and local government in which the national monument is located; to the Committee on Resources.

84. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 56 memorializing the United States Congress to support the acquisition of Kahuku Ranch by the United States National Park Service for expansion of the Hawaii Volcanoes National Park; to the Committee on Resources.

85. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 50 memorializing the United States Congress and Hawaii's congressional delegation to support legislation to equalize reparations for Japanese of Latin American ancestry interned during World War II; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. GILLMOR and Mr. HEFLEY.

H.R. 13: Mr. ROSS, Ms. DELAURO, Ms. PRYCE of Ohio, and Mr. KILDEE.

H.R. 17: Mr. FRANK.

H.R. 94: Mr. WOLF.

H.R. 168: Mr. PENCE, Mr. KNOLLENBERG, and Mr. PASCRELL.

H.R. 179: Mr. SUNUNU, Mr. GRUCCI, and Mr. HILLIARD.

H.R. 184: Mrs. CLAYTON and Mrs. EMERSON.

H.R. 189: Mr. CUNNINGHAM.

H.R. 303: Mr. GRUCCI and Mr. OSE.

H.R. 380: Ms. VELAZQUEZ.

H.R. 415: Ms. MILLENDER-MCDONALD, Ms. MCKINNEY, Mr. BOUCHER, Mr. STUPAK, and Mr. GUTIERREZ.

H.R. 425: Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. BROWN of Ohio, Mrs. MALONEY of New York, Mr. CONYERS, and Mr. ENGEL.

H.R. 440: Mrs. CHRISTENSEN.

H.R. 442: Mrs. CHRISTENSEN and Mr. HINOJOSA.

H.R. 475: Mr. WATTS of Oklahoma.

H.R. 500: Ms. WOOLSEY, Mr. BLUMENAUER, and Ms. BALDWIN.

H.R. 526: Mr. HORN, Ms. VELAZQUEZ, Mr. WATT of North Carolina, Ms. PELOSI, Ms. DEGETTE, and Mr. MEEKS of New York.

H.R. 534: Mr. BRADY of Texas.

H.R. 548: Mr. KINGSTON, Mr. FLETCHER, Mr. GIBBONS, Mr. BLAGOJEVICH, Mrs. MORELLA, Mr. DEMINT, Mr. HAYWORTH, Mr. VITTER, Mr. AKIN, Mrs. JOHNSON of Connecticut, Mr. BROWN of Ohio, Mr. UDALL of New Mexico, Mr. SMITH of Washington, Mr. CRAMER, Mr. BOSWELL, Mr. EDWARDS, Mr. BRYANT, Mr. KING, Mr. GREEN of Texas, Mr. COLLINS, Mr. WOLF, Mr. ISRAEL, Mr. HEFLEY, and Mr. MCNULTY.

H.R. 563: Mr. ISSA.

H.R. 572: Mr. KILDEE, Ms. WOOLSEY, Mr. MENENDEZ, and Mr. BROWN of Ohio.

H.R. 600: Mr. SANDLIN, Mr. CRANE, Mr. QUINN, and Mrs. MALONEY of New York.

H.R. 606: Mr. SCHROCK.
H.R. 634: Mr. GOODLATTE, Mr. CRENSHAW, and Mr. SCHROCK.
H.R. 635: Mr. SHUSTER.
H.R. 664: Ms. ESHOO and Mr. MARKEY.
H.R. 699: Mr. NORWOOD and Mr. PAUL.
H.R. 705: Mr. PETERSON of Pennsylvania.
H.R. 730: Ms. SANCHEZ.
H.R. 746: Mr. UDALL of New Mexico.
H.R. 762: Ms. LEE.
H.R. 781: Ms. DEGETTE.
H.R. 804: Mr. WATTS of Oklahoma and Mr. RAMSTAD.
H.R. 818: Mr. QUINN.
H.R. 826: Mr. GIBBONS.
H.R. 865: Mrs. CHRISTENSEN.
H.R. 876: Mr. MEEHAN, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, Mr. BEREUTER, Mr. BARTON of Texas, Mrs. TAUSCHER, Mr. CALVERT, Mr. WELDON of Florida, Mr. NEAL of Massachusetts, Mr. MANZULLO, and Mr. STUPAK.
H.R. 877: Mr. ROGERS of Michigan, Mr. BURTON of Indiana, and Mr. HALL of Texas.
H.R. 912: Mr. TOM DAVIS of Virginia.
H.R. 938: Mr. SAWYER and Mr. CUMMINGS.
H.R. 964: Mr. TIERNEY.
H.R. 978: Mr. SANDERS and Mr. ISAKSON.
H.R. 1072: Ms. WATERS.
H.R. 1079: Mr. ROGERS of Kentucky.
H.R. 1090: Mr. CARDIN.
H.R. 1101: Mrs. CAPITO.
H.R. 1140: Mr. CALVERT, Mr. SHUSTER, Mr. GREENWOOD, and Mr. MALONEY of Connecticut.
H.R. 1170: Mr. STUPAK and Mr. GUTIERREZ.
H.R. 1185: Mr. OWENS.
H.R. 1186: Mr. DEFAZIO.
H.R. 1192: Mr. SABO, Mr. SCHIFF, Mr. CONDIT, and Mr. WATTS of Oklahoma.
H.R. 1198: Mr. RAHALL, Ms. SCHAKOWSKY, Ms. ESHOO, and Mr. ETHERIDGE.
H.R. 1202: Mr. SOUDER, Ms. HOOLEY of Oregon, Mr. SMITH of New Jersey, Mr. SANDLIN, Ms. BERKLEY, Mr. BONIOR, Ms. KILPATRICK, Mr. DEUTSCH, Mr. HOLDEN, Mr. MCNULTY, and Mr. GOODLATTE.
H.R. 1211: Mr. HALL of Texas, Mr. FILNER, and Mr. RADANOVICH.
H.R. 1220: Mr. LAMPSON, Mr. EHRLICH, and Mr. ADERHOLT.
H.R. 1232: Mr. HINOJOSA and Mr. BALDACCI.
H.R. 1242: Mr. SABO.
H.R. 1262: Mr. PASTOR, Mr. GUTIERREZ, Mr. UDALL of New Mexico, Mr. RUSH, Mr. HOLDEN, Ms. VELAZQUEZ, Mrs. CAPPS, and Mr. MCNULTY.
H.R. 1280: Mr. WYNN and Mr. SANDLIN.
H.R. 1289: Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. LAFALCE, Ms. SCHAKOWSKY, and Mr. MEEKS of New York.
H.R. 1296: Mrs. JO ANN DAVIS of Virginia, Mr. HAYES, Mr. KLECZKA, Mr. GIBBONS, Ms. BALDWIN, Mr. COLLINS, Mr. JEFFERSON, Mr. STENHOLM, Mr. LEWIS of Georgia, Mr. RAHALL, Mr. THOMPSON of Mississippi, and Mr. HANSEN.
H.R. 1305: Mr. KLECZKA, Mr. BAKER, Mr. PASCRELL, and Ms. SANCHEZ.
H.R. 1307: Mrs. MALONEY of New York, Ms. RIVERS, and Mr. ENGEL.
H.R. 1329: Ms. HART and Ms. SANCHEZ.
H.R. 1330: Ms. WATERS.
H.R. 1331: Mr. PLATTS, Mr. JONES of North Carolina, and Mr. THOMPSON of Mississippi.
H.R. 1343: Mr. DOYLE, Mr. FERGUSON, and Mr. BARCIA.
H.R. 1401: Mr. MCINTYRE, Mr. MCDERMOTT, Mr. FARR of California, Mr. STRICKLAND, Mr. ALLEN, Mr. WELDON of Florida, Mr. BAIRD, Mr. JONES of North Carolina, Mr. MASCARA, Mr. QUINN, and Mr. BARTLETT of Maryland.
H.R. 1405: Mr. COYNE.
H.R. 1408: Mr. NORWOOD.
H.R. 1421: Mr. CAPUANO, Mr. MORAN of Virginia, Mr. FARR of California, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. SHERMAN, Mr. WYNN, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, and Ms. SOLIS.
H.R. 1441: Mr. SUNUNU.
H.R. 1451: Mr. GORDON.
H.R. 1487: Mr. CALVERT, Mr. WOLF, and Mr. FRANK.
H.R. 1494: Mrs. MALONEY of New York and Mr. ANDREWS.
H.R. 1506: Mr. BERRY.
H.R. 1525: Mr. SANDLIN, Ms. SCHAKOWSKY, Ms. WATERS, Mr. WAXMAN, Ms. ESHOO, Mrs. DAVIS of California, Mrs. MORELLA, Ms. MCCARTHY of Missouri, Mr. PASCRELL, Mr. CLEMENT, Mr. BOUCHER, Mr. BLAGOJEVICH, Mr. RAHALL, Ms. CARSON of Indiana, Mr. BISHOP, and Ms. MCKINNEY.
H.R. 1541: Ms. PELOSI.
H.R. 1543: Mr. TANCREDO and Mr. NORWOOD.
H.R. 1553: Mr. CALVERT.
H.R. 1556: Mr. OXLEY, Mr. PASCRELL, Mr. LATOURETTE, and Mr. BRADY of Pennsylvania.
H.R. 1585: Mr. CONYERS.
H.R. 1586: Mr. MEEHAN.
H.R. 1587: Mr. TOWNS.
H.R. 1597: Mr. FOLEY.
H. R. 1604: Mr. LUTHER, Mr. WATKINS, and Ms. BALDWIN.
H.R. 1609: Mr. BRADY of Pennsylvania.
H.R. 1623: Mr. BROWN of Ohio.
H.R. 1628: Mr. TURNER.
H.R. 1629: Mr. MCHUGH, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Ms. VELAZQUEZ, and Ms. CARSON of Indiana.
H.R. 1644: Mr. HERGER, Mr. SHIMKUS, Mr. WATKINS, Mr. MANZULLO, Mr. REHBERG, Mr. MCCRERY, Mr. HALL of Texas, Mr. RAHALL, and Ms. ROS-LEHTINEN.
H.R. 1651: Ms. SANCHEZ.
H.R. 1657: Ms. DUNN and Mr. JEFFERSON.
H.R. 1661: Mr. INSLEE.
H.R. 1662: Mr. SIMMONS, Mr. GREEN of Wisconsin, Mr. DINGELL, and Mr. GALLEGLY.
H.R. 1672: Mr. REYES, Mr. RODRIGUEZ, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. BECERRA, Ms. VELAZQUEZ, Ms. SOLIS, Mr. PASTOR, Ms. MCCARTHY of Missouri, and Mr. GALLEGLY.
H.R. 1677: Mr. MCHUGH and Ms. HART.
H.R. 1683: Mr. BLAGOJEVICH.
H.R. 1688: Mr. HULSHOF.
H.R. 1700: Mr. BEREUTER.
H.R. 1713: Mr. WU and Ms. BALDWIN.
H.R. 1715: Mr. GONZALEZ, Mr. SANDLIN, Mr. ORTIZ, Mr. BACA, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. LAMPSON, Mr. GREEN of Texas, Mr. FROST, Mr. BRADY of Texas, Ms. GRANGER, Mr. HALL of Texas, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. STENHOLM, Mr. EDWARDS, and Ms. JACKSON-LEE of Texas.
H.R. 1716: Mr. BARTLETT of Maryland.
H.R. 1782: Ms. JACKSON-LEE of Texas.
H.R. 1786: Mrs. THURMAN.
H.R. 1793: Ms. RIVERS.
H.R. 1809: Ms. MCKINNEY, Mr. ALLEN, Ms. DEGETTE, Mr. RUSH, and Mr. BLAGOJEVICH.
H.R. 1810: Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Ms. RIVERS, Mrs. MCCARTHY of New York, and Mr. COSTELLO.
H.R. 1819: Ms. SANCHEZ.
H.R. 1825: Mr. LUTHER, Mr. HINCHEY, Mr. FRANK, Mr. HINOJOSA, Mr. TIERNEY, and Ms. BALDWIN.
H.R. 1837: Mr. LAFALCE.
H.R. 1839: Mr. MCHUGH.
H.R. 1861: Mr. KANJORSKI and Mr. OSE.
H.R. 1892: Mr. BACA, Mr. HONDA, Mr. SESSIONS, Mr. PASTOR, and Mr. SCHIFF.
H.R. 1907: Mr. CONYERS.
H.R. 1941: Mr. ROYCE.
H.R. 1943: Mr. SHOWS.
H.R. 1944: Mr. SCHAFFER and Mr. CRANE.
H.J. Res. 36: Mr. BONILLA, Mr. DOOLITTLE, Mr. SPENCE, Mr. BENTSEN, Mr. MASCARA, Mr. MCHUGH, Mr. MENENDEZ, Mr. MORAN of Kansas, Mr. SKEEN, Mr. WHITFIELD, and Mr. BASS.
H. Con. Res. 17: Mr. PAYNE and Mr. HASTINGS of Florida.
H. Con. Res. 33: Mr. HOEKSTRA, Ms. SANCHEZ, Mr. CONDIT, Mr. KENNEDY of Minnesota, Mr. RYUN of Kansas, Mr. COMBEST, Mr. LOBIONDO, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. WHITFIELD, Mr. MCKEON, Mr. WAMP, Mr. JONES of North Carolina, Mr. WELDON of Pennsylvania, Mr. SPENCE, and Mr. GOODE.
H. Con. Res. 42: Mr. WATT of North Carolina and Mr. ENGEL.
H. Con. Res. 116: Mr. ROGERS of Michigan, Mrs. KELLY, and Mr. GILMAN.
H. Con. Res. 139: Mr. LANTOS, Mr. GILMAN, Ms. ROS-LEHTINEN, Ms. ESHOO, Mr. ENGEL, Mr. KUCINICH, Mr. LOBIONDO, Mr. JACKSON of Illinois, and Mr. KIRK.
H. Res. 75: Mr. FOLEY, Mr. PAUL, and Mr. RAHALL.

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PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, MAY 23, 2001 *No. 72*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, His Holiness Catholicos Karekin the Second, Catholicos of All Armenians, Holy Etchmiadzin, Republic of Armenia.

PRAYER

The guest Chaplain, Catholicos Karekin the Second, offered the following prayer:

Almighty God and Lord, we come together from different places, cultures, and traditions on a unique day You have created. We rejoice and are glad in it. Help us walk together in Your light.

Thank You for our diversity and the richness this brings when we share our lives. Help us understand each other through our differences and recognize what we have in common. Thank You for democracy, which gives such dignity to each person and reflects Your sense of human worth. Please nurture our democracies—America, which has grown strong over two centuries, and Armenia, a new democracy with strong hopes. In this year, when we recognize the 1700th anniversary of Armenia's conversion to Christianity, may we grow stronger in faith and remember the importance of being true to the vision You give.

We join the prayer of St. Nersess the Graceful and ask You for wisdom so we may always think, speak, and do what is good in Your sight, and to save us from evil thoughts, words, and deeds. Please give us wisdom in our decisions and dealings with each other, staff, constituents, and those seeking our help. Thank You for placing us in positions of influence. Help us make the Nation and our world better.

Holy Father, I ask You to bless the Senators, the American Government and people, and Armenian people and nation. I pray for the unity of churches and peoples and ask You to bless the clergy of this Nation. We know that You alone are God. To You be glory, power, and honor, now and always and unto the ages of ages. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS 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 21, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SESSIONS thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. SARBANES. I ask unanimous consent to proceed as in morning business for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUEST CHAPLAIN KAREKIN, II

Mr. SARBANES. Mr. President, I know I speak for all of my colleagues in thanking His Holiness, Catholicos Karekin the Second, the Supreme Patriarch and Catholicos of All Armenians, for leading the Senate in prayer this morning. His prayer, I must say, was inspiring. I hope all of us took to heart particularly his admonition that we should show wisdom in our dealings with one another.

His Holiness is the world leader of the Armenian Church, which traces its roots to the first century preaching of Jesus' Apostles, Saint Thaddeus and Saint Bartholomew. The Armenian Church is among the Orthodox churches, which, along with the Catholic and Protestant Churches, constitutes one of three branches of Christianity.

The Catholicos was elected democratically by an assembly of clergy and lay delegates from around the world in October 1999. He is the 132nd in a continuous line of catholicoi. He sits in Armenia and administers the Armenian Church from the Mother See of Holy Etchmiadzin and has authority over Dioceses on five continents.

In the United States, there are well over 1 million Armenian Americans who live in all parts of our country. They have made very important contributions to all aspects of American life.

His Holiness is well known not only for his spiritual leadership but his charitable works to help the needy, his educational programs, and his management skills. He is also recognized in the international religious community, where he sought to draw churches closer together. He has met with John Paul II and will be meeting in September with Pope John Paul II when he comes to visit Armenia.

The Catholicos is visiting the United States to celebrate the 1700th anniversary of the conversion of Armenia to Christianity. He is meeting with U.S. religious leaders and the Armenian-American communities. The theme of his visit is ''Walking Together in the Light of the Lord.''

Mr. President, we are pleased and honored that he is here with us today.

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RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume voting—and voting—on amendments to the reconciliation and tax relief bill, and consecutive votes will occur throughout the morning. It is hoped—hope springs eternal—that final passage on the tax relief and reconciliation bill will occur during today's session. If passage occurs as expected, the Senate will resume consideration of the education bill. There will be additional votes all throughout the day, and Senators are encouraged to stay in the Senate Chamber after the final votes on the tax bill. I thank my colleagues for their consideration and cooperation.

Mr. President, I yield the floor.

Mr. REID. Mr. President, before we hear from our friend, I wish to indicate to the Senate that we have six amendments lined up. We are confident that the two leaders can work something out during the day. We hope maybe there can be some end to the debate on this bill, but that will be up to the two leaders. We have shared the first amendment with the majority. We have five others we will give to them briefly.

We are hopeful things will move along well today, and especially, if we stick to our 10-minute voting, I think we can go through the first six amendments at an accelerated rate.

Mr. ROBERTS. I say that is splendid news.

RESTORING EARNINGS TO LIFT INDIVIDUALS AND EMPOWER FAMILIES (RELIEF) ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 1836, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1836) to provide the reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

Pending:

Collins/Warner amendment No. 675, to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Maine.

AMENDMENT NO. 741

Ms. SNOWE. Mr. President, I send up amendment No. 741 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Mrs. LINCOLN, Mr. JEFFORDS, Mr. CHAFEE, Mr. DEWINE, Mr. KERRY, Mr. DODD, Mr. ROCKEFELLER, Ms. COLLINS, Mr. DOMENICI, and Mr. SMITH of Oregon, proposes an amendment numbered 741.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that the modifications to the child tax credit contained in section 201 should be part of the final tax package)

On page 18, between lines 14 and 15, insert:

SEC. 202. SENSE OF THE SENATE ON THE MODIFICATIONS TO THE CHILD TAX CREDIT.

(a) FINDINGS.—

(1) There are over 12,000,000 children in poverty in the United States—about 78 percent of these children live in working families.

(2) The child tax credit was originally designed to benefit families with children in recognition of the costs associated with raising children.

(3) There are 15,400,000 children whose families would not benefit from the doubling of the child tax credit unless it is made refundable and another 7,000,000 children live in families who will not receive an increased benefit under the bill unless the credit is made refundable.

(4) A person who earns the Federal minimum wage and works 40 hours a week for 50 weeks a year earns approximately $10,300.

(5) The provision included in section 201 would give families with children the benefit of a partially refundable child tax credit based on 15 cents of their income for every dollar earned above $10,000.

(6) For a family earning $15,000 that is an additional $750 to help make ends meet.

(7) Doubling the child tax credit to $1,000 and making it partially refundable will benefit over 37,000,000 families with dependent children.

(8) The expansion of the child tax credit included in section 201 is a meaningful and a responsible effort on the part of the Senate to address the needs of low income working families to promote work and such an expansion would provide the benefit of a child tax credit to 10,700,000 more children than the provision passed by the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the ''10–15'' child tax credit provision included in section 201 is a worthy start, and should be maintained as part of the final package.

Ms. SNOWE. Mr. President, I rise today to offer a sense of the Senate amendment in support of the provisions in the bill that expand and extend the child tax credit to millions of working families. I am joined in offering this amendment by Senators LINCOLN, JEFFORDS, CHAFEE, DEWINE, KERRY, DODD, ROCKEFELLER, COLLINS, DOMENICI, SMITH of Oregon, and WELLSTONE.

The RELIEF Act doubles the maximum child tax credit from $500 to $1,000 per child and extends it by making it partially refundable for 15 cents on every dollar earned above $10,000. These provisions were incorporated in the bill during the Senate Finance Committee markup on a bipartisan basis and, together, these provisions will extend the benefits of the child tax credit to more than 55 million children nationally, as well as 37 million families. Without refundability, almost 16 million of these children would not be eligible for an increased benefit. The overwhelming majority of these children—almost two-thirds—live in working families.

This amendment demonstrates our commitment to the child tax credit provisions in this package. I urge support of the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. Mr. President, I know of no opposition to this amendment. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

Ms. SNOWE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

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

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—94

Akaka	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Miller
Baucus	Edwards	Murkowski
Bayh	Ensign	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Fitzgerald	Reed
Bond	Frist	Reid
Boxer	Graham	Roberts
Breaux	Grassley	Rockefeller
Brownback	Gregg	Santorum
Bunning	Hagel	Sarbanes
Burns	Harkin	Schumer
Byrd	Hatch	Sessions
Campbell	Hollings	Shelby
Cantwell	Hutchinson	Smith (NH)
Carnahan	Hutchison	Smith (OR)
Carper	Inhofe	Snowe
Chafee	Inouye	Specter
Cleland	Jeffords	Stabenow
Clinton	Johnson	Stevens
Cochran	Kennedy	Thomas
Collins	Kerry	Thompson
Conrad	Kohl	Thurmond
Corzine	Landrieu	Torricelli
Craig	Leahy	Voinovich
Crapo	Levin	Warner
Daschle	Lieberman	Wellstone
Dayton	Lincoln	Wyden
DeWine	Lott	
Dodd	Lugar	

NAYS—4

Enzi	Kyl
Gramm	Nickles

NOT VOTING—2

Helms	McCain

The amendment (No. 741) was agreed to.

AMENDMENT NO. 769, AS MODIFIED

Mr. NELSON of Nebraska. Mr. President, I call up my amendment No. 769 and ask unanimous consent to modify it.

The PRESIDING OFFICER. The Senator has that right. Without objection, the amendment is modified. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 769, as modified.

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

The ACTING PRESIDENT pro tempore. Without objection, is so ordered.

The amendment is as follows:

(Purpose: To provide a circuit breaker for tax cuts if debt levels are not reduced as provided in the budget resolution for fiscal year 2002)

At the appropriate place, insert the following:

SEC. . CIRCUIT BREAKER.

(a) IN GENERAL.—In any fiscal year beginning with fiscal year 2004, if the level of debt held by the public at the end of that fiscal year (as projected by the Office of Management and Budget sequestration update report on August 20th preceding the beginning of that fiscal year) would exceed the level of debt held by the public for that fiscal year set forth in the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress), any Member of Congress may move to proceed to a bill that would make changes in law to reduce discretionary spending and direct spending (except for changes in Social Security, Medicare and COLA's) and increase revenues in a manner that would reduce the debt held by the public for the fiscal year to a level not exceeding the level provided in that concurrent resolution for that fiscal year.

(b) CONSIDERATION OF LEGISLATION.—A bill considered under subsection (a) shall be considered as provided in section 310(e) of the Congressional Budget Act of 1974 (2 U.S.C. 641(e)).

(c) PROCEDURE.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report, pursuant to this section, that contains any provisions other than those enumerated in section 310(a)(1) and 310(a)(2) of the Congressional Budget Act of 1974. This point of order may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members duly chosen and sworn. An affirmative vote of three-fifths of the Members duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

Mr. NELSON of Nebraska. This amendment is a circuit breaker as opposed to a trigger. Nothing automatically kicks in as in the case of the trigger amendments that have been offered in the past but it does, in fact, create an opportunity for a privileged motion that deals with spending or tax cuts in the event the debt reduction targets are not being met.

MR. BAUCUS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will please come to order.

Mr. NELSON of Nebraska. Mr. President, this circuit breaker does not specify any action to be taken if the midcourse review legislation is not enacted into law. What it does is it simply permits any Senator to bring up a privileged motion that deals with spending or tax cuts but exempts Social Security, Medicare, and COLA's from being subject to any potential spending cuts in the midcourse correction.

I hope my colleagues will support this amendment. I ask they do so.

Mr. GRASSLEY. Mr. President, I am not going to use my 1 minute. With this modification, I ask unanimous consent the amendment be agreed to; if not, then by voice vote.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. GRASSLEY. I do.

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

The amendment (No. 769), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, the list we gave to the majority lists Senator DURBIN being next but we want to flip that and have Senator GRAHAM's amendment be next in order.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

AMENDMENT NO. 784

Mr. HARKIN. Mr. President, I call up amendment No. 784 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. JOHNSON, proposes an amendment numbered 784.

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

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

The amendment is as follows:

(Purpose: To provide a deduction for unreimbursed expenses related to certain public activities of emergency response professionals)

At the end of subtitle D of title IV, add the following:

SEC. ___. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED EMERGENCY RESPONSE EXPENSES OF ELIGIBLE EMERGENCY RESPONSE PROFESSIONALS.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals), as amended by this Act, is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

"SEC. 224. QUALIFIED EMERGENCY RESPONSE EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an eligible emergency response professional, there shall be allowed as a deduction an amount equal to the qualified expenses paid or incurred by the taxpayer during the taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE EMERGENCY RESPONSE PROFESSIONAL.—The term 'eligible emergency response professional' includes—

"(A) a full-time employee of any police department or fire department which is organized and operated by a governmental entity to provide police protection, firefighting service, or emergency medical services for any area within the jurisdiction of such governmental entity,

"(B) an emergency medical technician licensed by a State who is employed by a State or non-profit to provide emergency medical services, and

"(C) a member of a volunteer fire department which is organized to provide firefighting or emergency medical services for any area within the jurisdiction of a governmental entity which is not provided with any other firefighting services.

"(2) GOVERNMENTAL ENTITY.—The term 'governmental entity' means a State (or political subdivision thereof), Indian tribal (or political subdivision thereof), or Federal government.

"(3) QUALIFIED EXPENSES.—The term 'qualified expenses' means unreimbursed expenses for police and firefighter activities, as determined by the Secretary.

"(c) DENIAL OF DOUBLE BENEFIT.—

"(1) IN GENERAL.—No other deduction or credit shall be allowed under this chapter for any amount taken into account for which a deduction is allowed under this section.

"(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.

"(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2006.".

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) (relating to adjusted gross income defined), as amended by this Act, is amended by inserting after paragraph (19) the following new paragraph:

"(20) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—The deduction allowed by section 224.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 86(b)(2), 135(c)(4), 137(b)(3), and 219(g)(3), as amended by this Act, are each amended by inserting ''224,'' after ''221,''.

(2) Section 221(b)(2)(C), as amended by this Act, is amended by inserting ''224,'' before ''911''.

(3) Section 469(i)(3)(E), as amended by this Act, is amended by striking ''and 223'' and inserting '', 223, and 224''.

(4) The table of sections for part VII of subchapter B of chapter 1, as amended by this Act, is amended by striking the item relating to section 223 and inserting the following new items:

''Sec. 224. Qualified emergency response expenses.

''Sec. 225. Cross reference.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. HARKIN. First, I thank my colleagues, the chairman of the committee, Senator GRASSLEY, and the ranking member, Senator BAUCUS, for helping work out this amendment. They have done a great job. I really appreciate it. But I also believe all of our policemen and our firefighters and our volunteer firefighters are going to appreciate it even more because what happens right now is a lot of our law enforcement officers, firefighters, and volunteer firefighters spend a lot of money out of their own pockets for work-related expenses. This amendment would help cover their out-of-pocket expenses for their guns, bulletproof vests, uniforms, some transportation costs, and equipment for volunteer firefighters.

Just to give you an example of what I am talking about, police officers in Altoona, IA, pay for their own guns, which can cost up to $800. In Des Moines, they have to pay for their guns, ammunition, shoes and boots, and part of the cost of their $600 bulletproof vests. For some police, when they go to training, the training is paid for but the transportation to get there is not paid for, so they have to pay for that out of their own pocket.

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

Mr. HARKIN. I ask unanimous consent for just 30 seconds more.

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

Mr. HARKIN. For these men and women, who earn an average of $28,000 to $40,000 a year and have families to support, those expenses add up, especially for new officers. This amendment would help provide a deduction for these people when they pay for those expenses out of their own pocket.

Again, I thank Senator GRASSLEY and Senator BAUCUS for being willing to work out this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this amendment is similar to one we did in another profession on another amendment that is being worked out. We accept this amendment, look favorably on it. I ask if we can have a voice vote.

I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question occurs on agreeing to amendment No. 784.

The amendment (No. 784) was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. 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.

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

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

MOTION TO RECOMMIT

Ms. STABENOW. Mr. President, I call up my motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Ms. STABENOW) moves to recommit the bill H.R. 1836, as amended, to the Committee on Finance with instructions to report the same back to the Senate forthwith with an amendment that—

(1) ensures that the provisions of this bill do not result in any fiscal year in an on-budget surplus for that fiscal year that is less than the surplus for that year in the Federal Hospital Insurance Trust Fund; and

(2) establishes a 60-vote point of order prohibiting any bill, resolution, amendment, motion, or conference report that uses funds in such Trust Fund for any purpose other than for providing part A benefits under the Medicare program.

Ms. STABENOW. Mr. President, I ask my colleagues to join me in this motion to recommit and to join with Senator BOB GRAHAM, who has been such a leader in protecting Medicare, and my colleague from Minnesota, Senator DAYTON, who has been such a champion on Medicare and prescription drugs.

This is a very simple, straightforward motion. No. 1, it says we will not use the Medicare Part A trust funds in order to pay for this tax cut. We have seen in the numbers from the final conference committee on the budget that every single year Medicare trust funds are used for this tax cut. This says no to that practice. It puts into place a 60-vote point of order in the future for any other attempts to use the Medicare trust fund.

We believe strongly that we need to update Medicare. We need to provide prescription drugs and strengthen Medicare. We ought not to be using it for other purposes.

We ask colleagues to join us, to say strongly that when it comes to Medicare, we want to update it, not raid it.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, everything the Senator from Michigan said, I agree with. I would just do it in a different way. I would do it according to the budget resolution that was adopted.

In that budget resolution, we fully protect Part A. It is a commitment on the part of this party, this Congress, and the President of the United States to only use Medicare money for Medicare, nothing else. That is what we will do.

This amendment is not needed because of the budget and the planning on this tax bill. This issue comes up every time we are trying to spread out the tax reductions over the next 10 years. It is very basic to every decision we make that we not go into the Medicare trust fund.

I ask Members not to vote for the amendment because it is not needed.

I raise a point of order on germaneness. That point of order is based upon section 305(b)(2) of the Budget Act.

Ms. STABENOW. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for consideration of the pending motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—46

Akaka	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Byrd	Graham	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kerry	Torricelli
Corzine	Kohl	Wellstone
Daschle	Landrieu	Wyden
Dayton	Leahy	
Dodd	Levin	

NAYS—54

Allard	Enzi	Miller
Allen	Fitzgerald	Murkowski
Baucus	Frist	Nelson (NE)
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Chafee	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McCain	Voinovich
Ensign	McConnell	Warner

The PRESIDING OFFICER. On this vote there are 46 yeas and 54 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the motion falls.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 763

(Purpose: To allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs)

Mr. GRAHAM. Mr. President, I call up amendment No. 763.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 763.

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

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

(The text of the amendment is located in the RECORD of Tuesday, May 22, 2001, under ''Amendments Submitted and Proposed.'')

Mr. GRAHAM. Mr. President, one of the dramatic announcements of the 2000 census was the fact that one of the fastest growing components of our population is Americans over the age of 80. This is just the first ripple of what will be a tidal wave of Americans over the age of 80 as we move into the 21st century.

This amendment goes to exactly that issue by first recognizing the care that is currently being given to older Americans by caregivers by providing a $3,000 tax credit to those persons who are tending to the needs of a frail elderly member of their family, and second, to encourage Americans to purchase long-term care insurance for their own protection when they might reach the point where they require institutional care.

This is an extremely important amendment for preparation of the future of millions of Americans. I urge its adoption.

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

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we know of the need to recognize the contribution of 22 million family caregivers in the United States. We know the need to encourage people to save for long-term care through tax credits for long-term health care.

Following a hearing I held last month on long-term care, Senator GRAHAM and I introduced legislation to do what this amendment creates. He and I worked jointly on a similar bill last year and pressed hard for its passage.

As I stated at the hearing, I am committed to addressing the pressing financial long-term care challenges that accompany the retirement of the baby boom generation. However, I cannot support the inclusion of his amendment in the bill since it raises taxes on people to pay for it.

I will be offering a second-degree amendment. I yield back my time.

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

AMENDMENT NO. 786 TO AMENDMENT NO. 763

Mr. GRASSLEY. Mr. President, I have a second-degree amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 786 to amendment No. 763.

On page 1, line 2, strike all after the word ''strike'' through the end of page 1, line 3.

On page 20, strike lines 14 and 15 and insert the following:

''This section shall apply to policies issued after January 1st 2006.''

Mr. GRASSLEY. Mr. President, this amendment, rather than raise taxes, will be paid for out of the budget surplus.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, what is the time limit for debate on second-degree amendments?

The PRESIDING OFFICER. One minute each. The Senator yielded back his time. The Senator from Florida has 1 minute.

Mr. GRAHAM. The amendment that is offered proposes to pay for this by making a 1-percent reduction in the marginal rate cut for the highest income Americans. The second-degree amendment pays for it by blowing the budget cap of $1.35 trillion and going above that for the purposes of this very important amendment.

I believe strongly in this amendment, but I also believe in fiscal discipline. I am afraid the course being suggested by the second-degree amendment is the course that is going to be suggested for the remaining months of this session of Congress; that is, every time we have a new tax idea, let's do it by increasing the total amount of tax and not be faithful to the commitment we have made to limit the total tax authority to $1.35 trillion.

Mr. President, on policy grounds, I strongly oppose the second-degree amendment. I raise a point of order.

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

Mr. GRAHAM. Mr. President, I raise the point of order that the pending second-degree amendment violates section 311(a)(2)(B) of the Congressional Budget Act of 1974.

Mr. GRASSLEY. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 49, nays 51, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—49

Allard	Fitzgerald	Nickles
Allen	Frist	Roberts
Bennett	Gramm	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Helms	Snowe
Chafee	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Ensign	McConnell	
Enzi	Murkowski	

NAYS—51

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	McCain
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Inouye	Reid
Carper	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Conrad	Kohl	Stabenow
Corzine	Landrieu	Torricelli
Daschle	Leahy	Wellstone
Dayton	Levin	Wyden

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, am I correct the second-degree amendment has failed?

The PRESIDING OFFICER. It failed.

Mr. GRAHAM. By virtue of the waiver of the point of order not having received 60 votes, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRASSLEY. Mr. President, I have a point of order that the pending amendment is not germane to the provisions of the reconciliation bill. I make that under section 305(b)(2) of the Budget Act.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask the budget point of order be waived. I will ask for the yeas and nays, but before doing so I would like to use my 1 minute to speak against the motion.

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

Mr. GRAHAM. Mr. President, what we have raised in this one amendment are two of the most basic questions that this overall tax bill raises. One is fiscal discipline. We had a vote, and I am pleased more than a majority of Senators voted not to break the $1.35 trillion cap. That was what we were being asked to do, to add $50 billion beyond the current tax cut authority through the amendment that was offered by the Senator from Iowa.

The second issue we are now facing is one of priorities. Upon which do you

put the higher priority, assisting Americans prepare for their old age, helping families who are providing care for a frail, elderly family member through a $3,000 tax credit—is that a higher priority than delaying the 1-percent decrease for the highest income-tax payers in America, the rate reduction which is in this underlying bill? Those are the choices. Which is more important to you? What are your priorities?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for equal time.

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

Mr. GRASSLEY. Mr. President, I rise to support my point of order and to say I agree on the need for long-term care insurance, a need to encourage family care giving through tax credits. The Senator and I have introduced legislation to accomplish that. Also, people need to remember that senior citizens who pay income taxes are going to benefit from our tax reduction as well.

The second and last point I will make is: This, again, is one more time of, I will bet, dozens of times over the last 4 days that we have had amendments from the other side to break up the rate structure, the bipartisan compromise in this bill. I ask we vote against waiving the point of order.

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

The PRESIDING OFFICER. Is there a sufficient second? There is sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

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

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—47

Akaka	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Byrd	Graham	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dodd	Levin	

NAYS—53

Allard	Domenici	Lott
Allen	Ensign	Lugar
Baucus	Enzi	McCain
Bennett	Fitzgerald	McConnell
Bond	Frist	Miller
Breaux	Gramm	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Nickles
Burns	Hagel	Roberts
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Cochran	Hutchinson	Shelby
Collins	Hutchison	Smith (NH)
Craig	Inhofe	Smith (OR)
Crapo	Jeffords	Snowe
DeWine	Kyl	Stevens
Thomas	Thompson	Voinovich
	Thurmond	Warner

The PRESIDING OFFICER. On this vote the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 777

Mr. SCHUMER. Mr. President, I call up amendment No. 777, the good luck amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 777.

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

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

The amendment is as follows:

(Purpose: To provide alternative minimum tax relief for individuals, extend certain expiring tax provisions, and to provide an offset for revenue loss)

On page 314, after line 21, add the following:

SEC. ___. INDIVIDUAL ALTERNATIVE MINIMUM TAX INDEXING; EXTENSION OF CERTAIN EXPIRING PROVISIONS.

(a) ALTERNATIVE MINIMUM TAX RELIEF.—Section 701(a) of this Act is amended to read as follows:

(a) IN GENERAL.—Section 55(d) (relating to exemption amount) is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2000, the dollar amounts referred to in paragraph (1) shall each 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, by substituting '1999' for '1992'.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.''.

(b) ONE-YEAR EXTENSION OF CERTAIN EXPIRING PROVISIONS.—

(1) ADOPTION CREDITS.—

(A) CHILDREN WITHOUT SPECIAL NEEDS.—Section 23(d)(2)(B) (defining eligible child) is amended by striking ''2001'' and inserting ''2002''.

(B) ADOPTION ASSISTANCE PROGRAMS.—Section 137(f) (relating to termination) is amended by striking ''2001'' and inserting ''2002''.

(2) NONREFUNDABLE PERSONAL CREDITS UNDER AMT.—So much of section 26(a)(2) as precedes subparagraph (A) is amended to read as follows:

''(2) SPECIAL RULE FOR 2000, 2001, AND 2002.—For purposes of any taxable year beginning during 2000, 2001, or 2002, the aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—''.

(3) WORK OPPORTUNITY CREDIT.—

(A) TEMPORARY EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking ''2001'' and inserting ''2002''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(4) WELFARE-TO-WORK CREDIT.—

(A) TEMPORARY EXTENSION.—Section 51A(f) (relating to termination) is amended by striking ''2001'' and inserting ''2002''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to individuals who begin work for the employer after December 31, 2001.

(5) ELECTRICITY FROM CERTAIN RENEWABLE RESOURCES.—Subparagraphs (A), (B), and (C) of section 45(c)(3) (defining qualified facility) are each amended by striking ''2002'' and inserting ''2003''.

(6) DELAY IN EFFECTIVE DATE OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.—Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 is amended by striking ''January 1, 2002'' and inserting ''January 1, 2003''.

(7) QUALIFIED ZONE ACADEMY BOND PROGRAM.—Section 1397E(e)(1) (relating to national limitation) is amended by striking ''and 2001'' and inserting ''2001, and 2002''.

(8) EMPLOYER PROVIDED EDUCATIONAL ASSISTANCE.—Section 127(d) (relating to termination) is amended by striking ''2001'' and inserting ''2002''.

(9) INCOME LIMIT FOR PERCENTAGE DEPLETION.—Subparagraph (H) of section 613A(c)(6) is amended by striking ''January 1, 2002'' and inserting ''January 1, 2003''.

(10) SUBPART F EXEMPTION.—

(A) TEMPORARY EXTENSION.—Section 953(e)(10) is amended—

(i) by striking ''January 1, 2002'' and inserting ''January 1, 2003'', and

(ii) by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

(B) CONFORMING AMENDMENT.—Section 954(h)(9) is amended by striking ''January 1, 2002'' and inserting ''January 1, 2003''.

(11) PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.—

(A) TEMPORARY EXTENSION.—Subsection (f) of section 9812 is amended by striking ''on or after September 30, 2001'' and inserting ''after September 30, 2002''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to benefits for services furnished after September 30, 2001.

(12) PHASEOUT OF DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.—

(A) TEMPORARY EXTENSION OF PHASEOUT.—Subsection (b)(1)(B) of section 179A is amended—

(i) in the matter preceding clause (i), by striking ''December 31, 2001' and inserting ''December 31, 2002'',

(ii) in clause (i), by striking ''2002'' and inserting ''2003'',

(iii) in clause (ii), by striking ''2003'' and inserting ''2004'', and

(iv) in clause (iii), by striking ''2004'' and inserting ''2005''.

(B) EXTENSION OF TERMINATION DATE.—Section 179A(f) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to property placed in service after December 31, 2001.

(13) PHASEOUT OF CREDIT FOR ELECTRIC VEHICLES.—

(A) TEMPORARY EXTENSION OF PHASE OUT.—Section 30(b)(2) is amended—

(i) in the matter preceding subparagraph (A), by striking ''December 31, 2001'' and inserting ''December 31, 2002'',

(ii) in subparagraph (A), by striking ''2002'' and inserting ''2003'',

(iii) in subparagraph (B), by striking ''2003'' and inserting ''2004'', and

(iv) in subparagraph (C), by striking ''2004'' and inserting ''2005''.

(B) EXTENSION OF TERMINATION DATE.—Section 30(e) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(C) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to property placed in service after December 31, 2001.

(14) GENERALIZED SYSTEM OF PREFERENCES.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

(15) ANDEAN TRADE PREFERENCE.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended to read as follows:

''(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2002.''.

(16) TEMPORARY INCREASE IN AMOUNT OF RUM EXCISE TAX COVERED OVER TO PUERTO RICO AND VIRGIN ISLANDS.—Section 7652(f)(1) (relating to limitation on cover over of tax on distilled spirits) is amended to read as follows:

''(1) $10.50 ($13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2003), or''.

(c) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) REVENUE OFFSET.—The Secretary of the Treasury shall adjust the reduction in the highest marginal tax rate in the table contained in section 1(i)(2) of the Internal Revenue Code of 1986, as added by section 101(a) of this Act, as necessary to offset the decrease in revenues to the Treasury for each fiscal year resulting from the amendments made by this section.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. SCHUMER. Mr. President, this is a simple amendment. We have had two worries mainly about this tax bill. One is that the dollars go too much to the wealthiest people and not enough to the middle class, and we have had a lot of amendments thereon. The second is that it breaks fiscal discipline. This amendment deals with that second category.

What is missing in this tax bill bothers me as much as what is in it, maybe more. We do not do any of the tax extenders which we know we will do later this year. We do not change the alternative minimum tax hardly at all, which will catch 39 million people by the time this 10-year bill is finished.

This amendment includes both of those so we do not have to come back and do them and break the $1.35 trillion that we said we will keep and lowers the top rate to make room for those.

It is a fiscally responsible amendment. I would challenge anyone who wants to vote against it to make a pledge that they will not vote at a later time outside the budget cap for these two issues.

I thank you, Mr. President.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, this amendment raises the whole extender question, something the Finance Committee will be looking at later this year. The bipartisan bill before us does not address this issue.

This amendment is nongermane to the bill, and I raise a point of order that it is nongermane.

Mr. SCHUMER. Mr. President, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—46

Akaka	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Byrd	Graham	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kerry	Torricelli
Corzine	Kohl	Wellstone
Daschle	Landrieu	Wyden
Dayton	Leahy	
Dodd	Levin	

NAYS—54

Allard	Enzi	Miller
Allen	Fitzgerald	Murkowski
Baucus	Frist	Nelson (NE)
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Chafee	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McCain	Voinovich
Ensign	McConnell	Warner

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

RECESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now stand in recess until 1:30.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, may I inquire of the distinguished floor leaders, the Collins-Warner amendment has been pending. We have been very deferential to the leadership. Can we get an idea of when that might be disposed?

Mr. GRASSLEY. Let me be perfectly candid with the Senator from Virginia. If the Senator from Virginia and the Senator from Maine still want a rollcall on their amendment, we will do that at 1:30.

Mr. REID. Mr. President, reserving the right to object, I have worked hard over here today with people wanting to offer amendments. Some have been on file since last week. I hope this doesn't start another string of amendments.

Mr. WARNER. I am not hearing the soft, wonderful voice of my great friend. Can he raise it a bit?

Mr. REID. We have about 40 amendments over here that have been filed. Through various means, the amendments are not going to be brought up. I hope the managers can work something out as to the amendment of the Senator from Virginia without another rollcall vote. I am afraid this may start a series of rollcall votes.

Mr. WARNER. Mr. President, might I say to the distinguished Democratic leader and the managers of the bill that there has been an ongoing negotiation with regard to this amendment, and my distinguished colleague from Maine and I have been very forthcoming with our managers. Our bill was up and we got the yeas and nays when this matter first hit the floor. We have acceded to their requests day after day to delay it. We think the time has come now.

I assure the Senator we were in the front of the queue. Amendment after amendment has been filed at the desk subsequent to ours. We were here day 1, hour 1. We have cooperated with our distinguished managers to this point. I hope our distinguished Democratic whip will allow us to bring up this amendment.

Mr. REID. Senator BAUCUS and I will work to see that we have no more rollcall votes. If you have to have this one, I guess you do. But I hope we don't have to have another one also. We will do our best to see that there will not be any more.

Ms. COLLINS. Mr. President, if the Senator will yield, I point out to the Senator that the yeas and nays were ordered on the Collins-Warner amendment last Thursday night when it was first debated for a half hour on the Senate floor. This isn't a new amendment or a new request. The yeas and nays were, in fact, ordered last week. I wanted to clarify that for the record.

Mr. WARNER. Mr. President, I advise our distinguished Democratic leader that Senators MIKULSKI, DODD, and HARKIN have worked with us right along, so it is a bipartisan effort. I am sure if they were present, they would join us in this request.

Mr. REID. That is my point. It sounds as if you have a good bipartisan amendment. I can't understand why we need a rollcall vote.

Mr. WARNER. I say to my good friend, I guess I reached down in the 23 years of experience in managing many bills and being in many conferences. There is a certain feeling about this legislation. It is for teachers. It is simple——

Mr. REID. If the Senator will withhold, if the managers will agree, we will work to see what needs to be done.

Mr. GRASSLEY. I believe Senator BAUCUS would agree with me. I have been asked now if we can do it this way. We will recess until 1:30, but we would vote on the amendment by the Senator from Virginia and the Senator from Maine just prior to final passage. So we would have this rollcall vote and then final passage.

The PRESIDING OFFICER. The Chair asks the Senator from Iowa, is he making that part of his unanimous consent request?

Mr. WARNER. I so request, Mr. President.

Mr. GRASSLEY. Mr. President, I make that as part of my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, will the Senator from Iowa allow the recess to end at 1:40?

Mr. GRASSLEY. Mr. President, I change my unanimous consent request that the Senate stand in recess now until the hour of 1:40.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, the Senate, at 12:38 p.m., recessed until 1:40 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

RESTORING EARNINGS TO LIFT INDIVIDUALS AND EMPOWER FAMILIES (RELIEF) ACT OF 2001—Continued

AMENDMENT NO. 789

Mr. GRASSLEY. Madam President, I send a managers' amendment to the desk. It has been agreed to by the two managers. I ask unanimous consent the amendment be agreed to, the motion to reconsider be laid upon the table, and any statements regarding these amendments be printed in the RECORD.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. BAUCUS, proposes an amendment numbered 789.

Mr. GRASSLEY. I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted and Proposed.'')

Mr. LEAHY. Madam President, I am pleased the managers' amendment includes language identical to S. 694, the Artist-Museum Partnership Act, I introduced with Senator BENNETT earlier this year. I would like to thank Senator BENNETT for his leadership on this issue and also would like to thank Senators BINGAMAN, COCHRAN, DASCHLE, DODD, DOMENICI, JEFFORDS, JOHNSON, KENNEDY, LIEBERMAN, LINCOLN, REID, and WARNER for cosponsoring this bill.

This bipartisan legislation will enable our country to keep cherished art works in the United States and preserve them in our public institutions, while erasing an inequity in our Tax Code that currently serves as a disincentive for artists to donate their works to museums and libraries. Our bill would allow artists, writers and composers who donate works to museums and libraries to take a tax deduction equal to the fair market value of the work. This is something that collectors who make similar donations are already able to do.

There is an inequality in the current tax law where artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper, ink. This is unfair to artists and it hurts museums and libraries, large and small, that are dedicated to preserving works for posterity.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps develop a sense of pride among Vermonters and strengthens a bond with Vermont, its landscape, its beauty and its cultural heritage. Anyone who has gazed at a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

I thank the Chairman and ranking member of the Finance Committee for including this legislation in the managers package. I hope that the provision will be retained by the Conference Committee.

Mr. NELSON of Florida. Madam President, the Boxer-Nelson of Florida amendment seeks to safeguard public health and improve our nation's drinking water by aiding water companies to secure tax-exempt bond to comply with the 10 parts per billion arsenic drinking water standard.

Ironically, we offer this amendment today, May 23, 2001, one day after Environmental Protection Agency finalized its decision to delay implementation of a new arsenic standard until February 22, 2002.

Thus, the 1942 arsenic standard of 50 parts per billion, a standard put in place before arsenic was known to cause cancer, remains the standard for our nation's drinking water.

This is true despite the scientific data which shows that the 50 parts per billion standard could result in one additional case of cancer for every 100 people consuming drinking water.

The EPA knows arsenic is dangerous. In fact, the EPA has found another danger associated with arsenic in addition to cancer: genetic alteration of our DNA. In April of this year, a team of EPA scientists published a report in ''Chemical Research Toxicology'' that demonstrates that in addition to causing cancer, arsenic can induce genetic alterations to human DNA.

The risks associated with arsenic are widely known not just in this country, but throughout the world. For that reason, the European Union and the World Health Organization have endorsed the 10 parts per billion standard.

Costs did not prevent the European Union or the World Health Organization from protecting their citizenry from the risks associated with arsenic. Costs should not prevent the United States either.

Mr. CRAIG. Mr. President, I am very pleased that the tax reconciliation package we have passed today contains an amendment that I offered along with Senator LANDRIEU. That amendment is the text of the Hope for Children Act, which we introduced back in January as S. 148.

I greatly appreciate the consideration this amendment has received from Chairman GRASSLEY, who has long been a leader in the area of adoption and foster care. He and Senator BAUCUS, along with the staff of the Finance Committee, have been extremely responsive to me and my staff as we worked through this amendment, and I thank them for their support of America's adopting families.

As my colleagues know, this legislation will continue and improve on two current tax provisions that are helping so many Americans who seek to form families through adoption: the adoption tax credit and the exclusion for employer-provided adoption benefits. These provisions are due to expire at the end of this year, and the Hope for Children Act will remove that sunset. It will also double the basic tax credit and exclusion, to $10,000. For a family adopting a child with special needs, the current credit of $6,000 will rise to $10,000; perhaps more important to these families, their credit will no longer be tied to cumbersome and inflexible IRS regulations that exclude a wide range of legitimate adoption expenses related to children with special needs. Our legislation will also make it possible for more families to qualify for the full credit and exclusion, by lifting the cap on income eligibility.

These are sound, necessary measures that truly help families. The Senate should be proud they are a part of our tax reconciliation package, and I hope they will be preserved in the upcoming conference with the House of Representatives. It is important to note that just last week, the House unanimously passed its version of the Hope for Children Act, H.R. 622. While that

action suggests there is a consensus supporting the adoption tax credit, I strongly believe the Senate's version of that language is preferable, and I encourage the Senate's conferees to work to keep the Senate language intact.

Mr. President, there are still hundreds of thousands of children in this country and around the world who are waiting for permanent, safe, loving families. It is these children who are the focus of the Hope for Children Act, and it is on behalf of these children that I thank all my colleagues for supporting an amendment that will help make the promise of adoption a reality. I look forward to seeing this language preserved by the conference, adopted by the House and Senate, and sent to President Bush to be signed into law.

Mr. GRASSLEY. I renew my request, Madam President.

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

The amendment (No. 789) was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRASSLEY. Madam President, I ask unanimous consent no additional amendments to the pending reconciliation bill be in order other than consideration of the Collins-Warner amendment. I ask further consent that, following the disposition of the amendment described above, the bill be advanced to third reading, and a vote occur on passage, all without any intervening action, motion, or debate.

Finally, I ask, following the vote, the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, those conferees being: Senators GRASSLEY, HATCH, MURKOWSKI, NICKLES, GRAMM, BAUCUS, ROCKEFELLER, DASCHLE, and BREAUX.

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

UNANIMOUS CONSENT AGREEMENT

Mr. GRASSLEY. I have one more unanimous consent request, Madam President. I ask unanimous consent that, following that, on Wednesday, following the passage of H.R. 1836, there be 1 hour of morning business equally divided between the two leaders or their designees. I further ask consent that, following that time, the Senate then proceed to executive session and the Committee on Foreign Relations be discharged from further consideration of the nomination of Senator Howard Baker to be Ambassador to Japan. I further ask consent that the Senate then proceed to its consideration and there then be up to 2 hours for debate on the nomination, to be equally divided between the chairman and ranking member of the committee.

Finally, following the use or yielding back of time, that the Senate proceed to a vote on the nomination and, following that vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Did I understand the last request to be that the nomination of Howard Baker to be Ambassador to Japan take place tomorrow?

Mr. GRASSLEY. Today.

Mr. BYRD. Very well. I was going to make the recommendation it be done today.

I thank the Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There are now 2 minutes evenly divided on the Collins-Warner amendment No. 675.

Who yields time?

The Senator from Maine.

AMENDMENT NO. 675, AS MODIFIED

Ms. COLLINS. Madam President, on behalf of Senator WARNER and myself, I send a modification of amendment No. 675 to the desk.

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

Amendment No. 675, as modified, is as follows:

(Purpose: To provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials)

At the end of title IV, add the following:

Subtitle E—Miscellaneous Education Provisions

SEC. 441. SHORT TITLE.

This subtitle may be cited as the ''Teacher Relief Act of 2001''.

SEC. 442. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals), as amended by section 431(a), is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

''SEC. 223. QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.

''(a) ALLOWANCE OF DEDUCTION.—In the case of an eligible educator, there shall be allowed as a deduction an amount equal to the qualified professional development expenses paid or incurred by the taxpayer during the taxable year.

''(b) MAXIMUM DEDUCTION.—The deduction allowed under subsection (a) for any taxable year shall not exceed $500.

''(c) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE EDUCATORS.—For purposes of this section—

''(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

''(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

''(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

''(i) is—

''(I) directly related to the curriculum and academic subjects in which an eligible educator provides instruction,

''(II) designed to enhance the ability of an eligible educator to understand and use State standards for the academic subjects in which such educator provides instruction,

''(III) designed to provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

''(IV) designed to provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (III) to learn,

''(ii) is tied to—

''(I) challenging State or local content standards and student performance standards, or

''(II) strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible educator,

''(iii) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible educator in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible educator and the educator's supervisor based upon an assessment of the needs of the educator, the students of the educator, and the local educational agency involved, and

''(iv) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

''(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this section.

''(2) ELIGIBLE EDUCATOR.—

''(A) IN GENERAL.—The term 'eligible educator' means an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in an elementary or secondary school for at least 900 hours during a school year.

''(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.

''(d) DENIAL OF DOUBLE BENEFIT.—

''(1) IN GENERAL.—No other deduction or credit shall be allowed under this chapter for any amount taken into account for which a deduction is allowed under this section.

''(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified professional development expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.''.

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a), as amended by section 431(b), is amended by inserting after paragraph (18) the following new paragraph:

''(19) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—The deduction allowed by section 223.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 86(b)(2), 135(c)(4), 137(b)(3), and 219(g)(3) are each amended by inserting ''223,'' after ''221,''.

(2) Section 221(b)(2)(C) is amended by inserting ''223,'' before ''911''.

(3) Section 469(i)(3)(E) is amended by striking ''and 221'' and inserting '', 221, and 223''.

(4) The table of sections for part VII of subchapter B of chapter 1, as amended by section 431(c), is amended by striking the item relating to section 223 and inserting the following new items:

''Sec. 223. Qualified professional development expenses.

''Sec. 224. Cross reference.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, and shall expire on December 31, 2005.

SEC. 442. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible educator, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $250.

''(c) DEFINITIONS.—

''(1) ELIGIBLE EDUCATOR.—The term 'eligible educator' has the same meaning given such term in section 223(c).

''(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible educator in the classroom.

''(3) ELEMENTARY OR SECONDARY SCHOOL.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

''(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, and shall expire on December 31, 2005.

Ms. COLLINS. The modifications have been agreed to by the amendment sponsors and the Chair and ranking member of the Committee on Finance, whom we thank for their valuable assistance. I understand there are now 2 minutes divided?

The PRESIDING OFFICER. The Senator is correct.

Ms. COLLINS. I would appreciate being notified when I have used 30 seconds, so Senator WARNER, the coauthor of this amendment, can have the remaining 30 seconds.

The PRESIDING OFFICER. The Senator will be notified.

Ms. COLLINS. Mr. President, the Collins/Warner teacher relief amendment would support the expenditures of teachers who strive for excellence beyond the constraints of what their schools can provide. Our amendment enjoys the bipartisan support of several of our colleagues, including Senators LANDRIEU, COCHRAN, ALLEN, GORDON SMITH, HARKIN, MIKULSKI, JACK REED, DEWINE, HUTCHINSON, DODD, and ENZI as well as the endorsement of the National Education Association, American Federation of Teachers, American Association of School Administrators, National School Boards Association, National Association of State Boards of Education, Council for Exceptional Children, National Center for Learning Disabilities, and the National Board for Professional Teaching Standards support the Collins/Warner Teacher Relief Amendment of 2001. I ask unanimous consent these support letters be printed in the RECORD.

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

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 16, 2001.

Senator SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Education Association's (NEA) 2.6 million members, we would like to express our support for your amendment to the Senate tax bill to provide tax benefits for educators' professional development and classroom supply expenses.

As you know, teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that teachers stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century. Your proposed tax deduction for professional development expenses will make a critical difference in helping educators access quality training.

We are also very pleased that your amendment would provide a tax credit for educators who reach into their own pockets to pay for necessary classroom materials, including books, pencils, paper, and art supplies. A 1996 NEA study found that the average K–12 teacher spent over $400 a year out of personal funds for classroom supplies. For teachers earning modest salaries, the purchase of classroom supplies represents a considerable expense for which they often must sacrifice other personal needs.

We thank you for your leadership in introducing this important amendment and look forward to continuing to work with you to support our nation's educators.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS™,
Arlington, VA, May 21, 2001.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The National Board for Professional Teaching Standards (NBPTS) is pleased to lend its support to the Teacher Relief Act of 2001 as an amendment to H.R. 1836, the Tax Reconciliation Bill. As you know, National Board Certification is one of the most demanding and prestigious voluntary professional development programs available to our nation's teachers. The tax deductions proposed in the Teacher Support Act of 2001 would provide much needed financial relief to teachers seeking to improve their teaching practice.

National Board Certified Teachers (NBCTs) are the best example of quality teaching and National Board Certification reflects the highest standards in professional development and assessment. Allowing teachers to deduct professional development expenses, such as those associated with National Board Certification, is an important supplement to the policies and programs of states and school districts that support the mission of the NBPTS to establish high and rigorous standards for what accomplished teachers should know and be able to do.

We look forward to continuing our work with you in promoting the vital link between high quality professional development and higher student achievement.

Sincerely,

BETTY CASTOR,
President.

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION,
Alexandria, VA, May 21, 2001.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: We are writing to applaud your efforts to provide tax benefits for elementary and secondary school teachers through the Teacher Relief Act, which will be offered as an amendment to S. 1, the Better Education for Students and Teachers Act (BEST). Teachers are the most influential school-based factor in a student's academic success. Your legislation will not only facilitate better trained teachers, but reward teachers for their classroom investments.

Quality professional development activities can significantly increase student learning and improve teaching practice. Allowing K–12 teachers a $500 annual tax deduction for professional development expenses is a straightforward solution to help promote ongoing teacher training that is individually directed and designed. It is one important element in realizing the ultimate goal of effective and comprehensive professional development programs.

In addition to their time, teachers also pay for a significant amount of their classroom and instructional materials out of their own pockets. Because these expenses are frequently not reimbursed, they constitute an educational donation that is too often overlook. Your proposal addresses this fact by providing teachers with a 50% tax credit (up to $250 annually) for out of pocket classroom expenses that will financially reimburse teachers and enrich students' classroom settings.

We appreciate your efforts and attention to address this critical situation. NASBE

looks forward to working with your office to enact federal initiatives benefiting the instructional needs of America's teachers.

Sincerely,

DAVID GRIFFITH,
Director of Governmental Affairs.

AMERICAN ASSOCIATION
OF SCHOOL ADMINISTRATORS,
May 17, 2001.

Senator SUSAN COLLINS,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the American Association of School Administrators, representing more than 14,000 public school superintendents and school system leaders, we would like to express our strong support for the Collins/Warner/Landrieu teacher tax credit amendment (amendment #675).

Passage of the Teacher Relief Act would provide teachers with two well-deserved benefits: a tax deduction for professional development and a tax credit for out-of-pocket classroom expenses. Together with Senators John Warner and Mary Landrieu you have outlined a solution to a critical problem facing teachers and educational professionals: the lack of reimbursement for excess expenses incurred by teachers. All too often schools lack the funds to provide teachers with adequate classroom supplies or continuing education. Dedicated teachers frequently opt to pay for books, paper, supplies, and professional development with their own money. Ideally we should not be asking our teachers to make such a burdensome financial sacrifice; the least we can do is make sure that those teachers are partially reimbursed for their expenses.

The Collins/Warner/Landrieu amendment should not be thought of as a tax benefit for teachers; it should be thought of as educational reform. The Teacher Relief Act helps guarantee that America's children are taught by qualified professionals in well-equipped classrooms. Thank you for your continuing support of public education.

Sincerely,

JORDAN CROSS,
Legislative Specialist.

In fact, the tax deductions proposed in the Teacher Support Act of 2001 would provide much-needed financial relief to teachers seeking to improve their teaching practice through advanced course work, and assist those teachers seeking advanced certification, such as the National Board or additional educational endorsements.

In the midst of the education and tax debates, we are asking our colleagues in the Senate now to overlook the selfless efforts of teachers and the financial sacrifices they make to improve their instructional skills and the classrooms in which they teach.

Senator WARNER deserves enormous credit for focusing the Senate's attention, through a sense-of-the-Senate resolution to the education bill, on the need to provide tax relief for our teachers.

Senator WARNER's sense-of-the-Senate resolution which I was proud to cosponsor, passed by a vote of 95–3.

Our amendment would first allow teachers, teacher's aides, principals, and counselors to take an above-the-line tax deduction for their professional development expenses.

Second, the bill would grant educators a tax credit of up to $250 for books, supplies, and equipment they purchase for their students. The tax credit would be established at 50 percent of such expenditures, so for every dollar in supplies a teacher spent, the teacher would receive 50 cents of tax relief.

I greatly admire the many educators who have voluntarily reached deep into their pockets to pay for additional training and course work for themselves, and also to finance additional supplies and materials for their students. By enacting these modest changes to our Tax Code, we can encourage educators to continue to take the formal course work in the subject matter which they teach and to avail themselves of other professional development opportunities.

The relief that our Tax Code now provides to teachers is simply not sufficient. By and large, most teachers do not benefit from the current provisions that allow for limited deductibility of professional development and classroom expenses. Teachers, out of their own generosity, are reaching deep into their pockets to improve their teaching.

Now, under the current law, the problem is that teachers do not reach a sufficient level to be able to deduct the costs of their professional development and classroom supplies. By allowing teachers to take the above-the-line deduction for professional development expenses and a credit for classroom expenses paid out of pocket, our amendment takes a fair, progressive approach that will provide a modicum of relief to our Nation's schoolteachers.

I should note that most of our colleagues have already voted for very similar legislation. Last year, Senator KYL, Senator Coverdell, and I offered a similar amendment to the Affordable Education Act, which was adopted unanimously.

President Bush has eloquently stated: ''Teachers sometimes lead with their hearts and pay with their wallets.''

Our amendment makes it a priority to reimburse educators for just a small part of what they invest in the futures of our children.

I hope our colleagues will join us in support of this important legislation.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Virginia.

Mr. WARNER. I join my distinguished colleague from Maine in a bipartisan effort with Senators DODD, MIKULSKI, HARKIN, and others. They have joined with us. This is not political. This is an amendment done for persons who teach our children. They simply take dollars out of their pocket and expend them for necessities in the classroom. All we are doing—it is not tax relief, a tax break—is returning those dollars to their pockets.

The education of our children can be no stronger than those to whom we entrust that educational responsibility. Let us recognize them with this very simple yet, I think, straightforward and heartfelt expression of the Senate.

I thank the managers. I believe they are about to say they are accepting the amendment. Could we have a rollcall vote for it?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRASSLEY. Mr. President, Senators have modified their amendment considerably from its original language. We urge Members on both sides of the aisle to vote aye.

I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. The yeas and nays are ordered. The clerk will call the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—98

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Bond	Graham	Nelson (NE)
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	

NAYS—2

Feingold	Nickles

The amendment (No. 675), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Montana is recognized.

AMENDMENT NO. 787

Mr. BAUCUS. Mr. President, on behalf of Senator KERRY, I offer amendment No. 787. We neglected to put it in the package. It promotes tax simplification by expanding the current IRS demonstration project which combines State and Federal employment tax for reporting on a single form.

I ask unanimous consent that the amendment be taken up and adopted.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. KERRY, proposes an amendment numbered 787.

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

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

The amendment is as follows:

(Purpose: To permit the disclosure of certain tax information by the Secretary of the Treasury to facilitate combined Federal and State employment tax reporting, and for other purposes)

On page 314, after line 21, add the following:

SEC. ___. DISCLOSURE OF TAX INFORMATION TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

Section 6103(d)(5) is amended to read as follows:

''(5) DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.—The Secretary may disclose taxpayer identity information and signatures to any agency, body, or commission of any State for the purpose of carrying out with such agency, body, or commission a combined Federal and State employment tax reporting program approved by the Secretary. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph.''.

THE PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 787) was agreed to.

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

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

The bill was read a third time.

THE EITC

Mrs. LINCOLN. Mr. President, I rise to engage the chairman of the Finance Committee in a colloquy regarding the earned income tax credit otherwise known as the EITC. I thank the Chairman for including my provisions expanding the EITC in the tax bill. It has come to my attention, however, that the EITC has a detrimental impact on the small U.S. Territories that are subject to tax laws that automatically mirror our Federal tax laws. As a result, these small Territories, like the U.S. Virgin Islands, end up absorbing the entire cost of the EITC, which they can ill afford. The burden of this unfunded Federal mandate is exacerbated because these small Territories will also lose needed revenues as a result of the mirror effect of the income tax rate reductions mandated by this bill.

However, the problem can be mitigated by an agreement between the Treasury Department and the interested territorial governments to permit these governments to require that employers advance 60 percent of EITC payments to employees as currently permitted under Section 3507 of the Internal Revenue Code and the allow the employer to deduct these advance payments from FICA taxes the employer currently remits to the U.S. Treasury, as permitted by Section 3507, not from withholding taxes the employer remits to the territorial government. The remaining 40 percent of the EITC payments would continue to be paid by the territorial governments upon filing of an eligible employee's tax return. I believe that no substantive amendment to the Internal Revenue Code is necessary to allow for such an agreement.

I would like the chairman of the Fiance Committee to include report language in the final tax conference report that directs the Treasury Department to enter into such an agreement with any territorial government that would like to do so.

Mr. GRASSLEY. I understand the concerns raised by the Senator from Arkansas and will attempt to address this issue in conference.

TAXATION OF SPECIAL NEEDS TRUSTS FOR THE DISABLED

Mr. FRIST. Mr. President, I had intended to introduce an amendment to modify the taxation of so-called ''special needs trusts'' for disabled persons. The problem that cries out for change was first brought to my attention by a Tennessee constituent who has been contributing funds annually to a special trust for a disabled child. Under current law, the income from such trusts is taxed at very high rates because the tax writers were concerned about possible abusive use of such trusts. After discussion with the two managers of the bill, I am persuaded that we can work together to craft a better solution to this problem than the one I was prepared to propose. Therefore, with the understanding that we can work together in coming months to develop a better answer, I will not seek a vote on my amendment at this time.

Mr. GRASSLEY. Mr. President, I thank the Senator from Tennessee for his willingness to work with us to craft a solution to a very real problem. He shares with the Ranking Member and I a long history of concern for American taxpayers struggling with the overwhelming expense and other demands of severely disabled relatives. As the Senator knows, Special Needs Trusts, also known as Supplemental Needs Trusts, are a common estate planning tool for assisting in the planning for the long-term financial needs of the disabled.

The Senator and others have helped bring to our attention the fact that these trusts are unduly burdened by the current trust tax requirements of Section 1(e) of the Internal Revenue Code. We recognize that these Special Needs Trusts will receive some relief under the Relief Act of 2001, but that more help is necessary. Therefore, I commit myself to the Senator from Tennessee to work with him and others to craft a solution to reduce the income tax burden imposed on special needs trusts and, simultaneously, to improve the lot of affected disabled Americans.

Mr. BAUCUS. Mr. President, I look forward to joining my colleagues from Tennessee and Iowa in working on this matter. I also hope our effort will give us an opportunity to address the problem of structured settlements, which are also funding mechanisms for the disabled. As the chairman knows, I have been trying to fix the structured settlement problem for a long time, and I welcome this chance to fix the two matters together.

HIGH SPEED RAIL

Mr. BIDEN. Mr. President, amendment 676 is essentially the High Speed Rail Investment Act I introduced with Senator HUTCHISON earlier this year, that has 57 cosponsors, including the Majority and Minority leaders. Indeed, a majority of the Finance Committee supports this bill, as well.

Both of the leaders have given us their public commitments to move this legislation this year, commitments to finish a job that was started in the last Congress.

As the Administration introduces its proposal for a new energy policy, as we read daily about increasing congestion on our highways and at our airports, we simply must make safe, clean, high-speed passenger rail a key component of our nation's transportation system.

I say that this is essentially the same as the legislation that I introduced with Senator HUTCHISON and others earlier this year. Actually, the amendment we are offering today is an improved version, that addresses two key concerns of many of our colleagues.

At the insistence of Senator BAUCUS, and with his cooperation, we have included new language with an unambiguous prohibition on the use of the Highway Trust Fund by States in meeting their matching requirements under this legislation. That is something that has always been important to him, and I am glad to say that we have reached an agreement on that issue.

Just as important, we have also added new language on the question of State and local taxation of the improvements that will come from upgrading rail lines around the country to carry high-speed passenger trains. I know that was a concern of Senator GRASSLEY, along with many other Senators.

As Senator BAUCUS knows, with this change the bill now has the support of the National League of Cities, the National Conference of State Legislatures, the United States Conference of Mayors, the National Association of Counties, and the Council of State Governments.

So, with the help of Senator BAUCUS, from now forward we have an improved version of the bill. This is the version we hope will move in the Finance Committee soon.

While supporters of this legislation are a majority in both the Finance Committee and here on the Senate floor, I will respect the wishes of Senator BAUCUS that we not ask for a vote today.

I am grateful that he is not only willing to sign on to this amendment, with the improvements he was seeking, but

he is committed to helping us move this legislation through the Finance Committee and on to the floor as soon as we can.

This is an important move forward, and an important step toward fulfilling the commitments Senate leaders have made to move the High Speed Rail Investment Act this year.

I thank Senator BAUCUS for his help in this matter.

Mr. BAUCUS. Mr. President, I rise to make a commitment regarding the High Speed Rail Investment Act.

I support passenger rail in the United States and I support Amtrak. The State of Montana relies on Amtrak in the north and hopes to secure passenger rail in the south. Last Congress, I worked with Senators Lautenberg, Moynihan and Roth to protect the Highway Trust Fund from a raid by Amtrak. I have been working with Senator BIDEN this Congress to ensure a similar protection of the Highway Trust Fund.

I am extremely concerned about Amtrak ''Double Dipping,'' by raiding the Highway Trust Fund in addition to selling bonds. I was so concerned that I withdrew my name as a cosponsor of the bill.

I am pleased to say that since then, I have worked with Senator BIDEN on acceptable language to protect the trust fund. However, this language has not been added to the current High Speed Rail Investment Act, S. 250. It has been included in an amendment that Senator TORRICELLI filed during the mark-up of this tax package in the Finance Committee and that Senator BIDEN offered and withdrew today. I can support the language in this amendment.

I know that Senators TORRICELLI and Biden and others wanted to offer this amendment today. I appreciate that they withdrew this amendment, because I don't think that this language belongs on this tax bill. I feel very strongly that we need to examine this bill further before we include it in any package.

As ranking Democrat on this Committee, with the changes included in this amendment, it is my intention to go through the official Committee process of mark-up and hearings, before we let this amendment be voted on. I would like to hold a hearing within a month after the completion of this tax package.

Mr. TORRICELLI. Mr. President, I rise to bring my colleagues' attention to an important issue which affects the men and women who are charged with enforcing our nation's tax laws. While I am withdrawing my amendment to the tax reconciliation bill which affects Section 1203 of the IRS Restructuring and Reform Act, I hope that bringing this issue to the attention of the Senate, will allow us to address this important issue at a later time.

Section 1203 of the IRS Restructuring and Reform Act outlines 10 infractions for which IRS employees must be removed from employment. These areas of misconduct have become known as the ''Ten Deadly Sins''. As of last year, a total of 109 violations of any of the ten infractions outlined in Section 1203 had been substantiated. Of those 109 infractions, 102 were of Section 1203(b)(8), which subjects employees to mandatory termination for failure to file their federal tax return on time.

I believe that all IRS employees should be required to file their tax returns on time and abide by the IRS Rules of Conduct. I also strongly believe that those who do not abide by the Rules of Conduct should be held accountable for their actions. However, it would seem that mandatory dismissal, rather than supervisory discretion in applying penalties for these infractions, is unduly harsh. This point becomes clear when we learn that IRS employees have been and continue to face the loss of their jobs for filing their income tax returns late, even when they have a tax refund coming to them. There are no other taxpayers who are subject to any penalty for the late filing of a tax return with a refund due.

Close to a thousand charges have been filed against IRS employees under section 1203(b)(6), which subjects employees to mandatory terminations for ''harassment of, or retaliations against, a taxpayer. The latest data available shows that of the 830 investigations of these charges completed by the Inspector General for Tax Administration, none have been substantiated. Yet even though it appears that the overwhelming majority of these charges filed have been unfounded, the employees themselves must live under the constant fear of losing their jobs for sometimes more than a year, while the investigation of these charges goes on.

It would not be an overstatement to say that Section 1203 is having a chilling effect on the ability of employees at the IRS to perform their jobs. This notion is reflected in the fact that there has been a steadily declining audit-rate of non-compliant taxpayers. Making a minor change in the current law, as my amendment does, will do much to enable the overwhelming majority of honest, hardworking IRS agents to perform their duties in an efficient and professional manner.

I believe that my proposal strikes a reasonable balance which will permit IRS employees to do their jobs better, but will also maintain termination as a punishment for an employee who willfully harasses a taxpayer. As we continue to debate this reconciliation bill, which will make hundreds of changes to the tax code, I hope that we will make sure that the employees who we entrust to enforce these new laws are given the tools to do what they need to do.

While I now withdraw my amendment, I hope that this issue can be discussed by this chamber in the very near future.

Mr. FEINGOLD. Mr. President, I regret that I opposed a number of amendments to this legislation that I might otherwise support because they are not adequately offset.

The legislation before us already puts us at risk of raiding the Medicare and Social Security Trust Funds. We spent much of the past 8 years working to climb out of a deficit ditch, and this bill steers us right back toward it.

This is not authorizing legislation subject to the further scrutiny of an appropriations process. Unlike other measures that come before us, this bill and the amendments to it have a direct and immediate impact on our budget.

A number of amendments have been offered to this measure that, while laudatory in their goals, further aggravate the fiscal position in which the underlying bill puts us. Without language offsetting the cost of the proposal, the amendments only add to the already fiscally irresponsible cost of the bill.

For that reason, I have opposed many otherwise worthy amendments.

Mr. LIEBERMAN. Mr. President, I was pleased to cosponsor Senator SCHUMER's amendment which was offered last week to help families with the cost of college tuition. Although the amendment did not pass, I wanted to state for the record the reasons for my support.

The decisions we make today must reflect the enduring values we hold as a society. Two of those values are the ideas of opportunity and equality for every citizen. In today's complicated society, opportunity and equality depend in large part upon the level of a person's education. In other words, the more and the better an education one gets, the greater the chances that person will succeed economically. The College Board tells us that ''while the cost of college may be imposing to many families, the cost associated with not going to college is likely to be much greater.'' Indeed, over a lifetime, the gap in earning potential between a high school diploma and a college degree exceeds $1 million.

In addition, higher education is absolutely central to our ability to maintain our nation's global competitiveness. Highly trained, skilled workers making good wages are the engine that powers our economy, both because of the work they do and the revenue they generate as buyers and sellers of goods and services.

Yet, the cost of higher education is an increasing burden for American families. Since 1980, tuition at both public and private four-year colleges has increased on average more than 115 percent over inflation. A middle-income family spends an average of 17 percent of its annual income to send a child to a four-year public college today. If the family sends a child to a private college, the cost increases to an average of 44 percent of the family's income.

A family's financial status should not be the determining factor in whether a young person joins society

with the advantages of higher education or not. Yet, families are understandably anxious about whether they will be able to provide their children with that educational advantage. They are similarly anxious about the debt burden their children may have to bear after graduation to pay off student loans.

America's families need help. This is why I introduced S. 888, the College Tuition Assistance Act of 2001, which is designed to provide tax relief to middle and lower income families who are struggling to pay these costs, both while a student is in school and after graduation when student loans come due.

Senator SCHUMER's amendment is an important step toward providing families with this type of help compared to what is now in the Finance Committee's bill. It increases the size of the tax deduction families may take to offset the burden of tuition payments. Senator SCHUMER's amendment also provides a larger tax credit for graduates paying interest on their student loans. Although the amendment failed, it recognized a critical issue.

Educational costs are difficult to bear, even for families who make a decent living. My bill would provide more relief to middle income families and would also extend a hand to lower income families, whose needs are far greater than the aid they receive to put their children through college. My bill also would provide relief sooner. So, I was pleased to support Senator SCHUMER's amendment and I intend to continue to fight for these provisions which would make a real difference for America's families.

Mr. NELSON of Florida. Mr. President, we have been down this road before. As a Congressman in 1981, I supported the Reagan tax cuts that were promoted as a cure-all for the economic ailments of that era. Instead, they led to year after year of increasing deficits, exploding national debt, and a series of tax increases enacted to stem the tide of red ink.

With fiscal discipline and a growing economy, we reversed that tide just 3 years ago. Since 1998, we have enjoyed surpluses instead of deficits. And we have been paying down the debt, reducing the massive interest costs that have burdened America's taxpayers.

But now the Government is about to dig into our pockets, pull out our credit cards again, and go stumbling down that road toward economic calamity. And—with smoke and mirrors—some are trying to hide the costs we'll incur along the way. By manipulating the starting and phase-in dates for the various tax cuts—and setting unlikely expiration dates on some of them—this bill is jury-rigged to fit within the $1.35 trillion allotted for tax cuts over 11 years in the Senate's budget resolution.

But, the fact is, it won't fit once we consider other tax breaks already in the pipeline and spending priorities such as defense, education and prescription drug benefits. And this bill does not guarantee to pay down the national debt.

Every Senator in this Chamber believes we will enact additional tax relief, and provide for our Nation's most pressing needs over the next decade. The additional untold story of this legislation is that—even if that were possible—the cost of this tax plan would triple in the next decade. Unless you believe we are simply going to take back the tax cuts we are promising today, you are talking about a price tag exceeding $4 trillion in the decade from 2012 to 2022—when the baby boomers will all be retired.

Is that how we are going to provide for prescription drugs under Medicare and shore up Social Security? By raiding their trust funds?

Is that how we are going to protect our environment, improve our Nation's schools and strengthen our military? By giving them fewer resources, instead of more, in the years to come?

And is that how we are going to keep our economy growing and prospering? By returning to deficit spending, ever-increasing national debt, and costly interest payments on that debt?

That is the road we are headed down. I have been down it before, and I'm convinced it's the wrong road. I am choosing instead to take the conservative road of fiscal responsibility.

I strongly support responsible tax cuts of nearly $1 trillion that would give Americans the relief they deserve. I voted for such cuts as some of us tried to amend both this bill and the earlier budget resolution. Specifically, I support tax cuts that meet four criteria—tax cuts that (1) do not raid Social Security; (2) do not raid Medicare; and (3) provide relief from the marriage tax penalty now, not later; and (4) pay down the national debt.

Instead we are left with a tax package that is fiscally irresponsible.

With all due respect to Senators GRASSLEY and BAUCUS, we are about to vote on a tax bill that largely promises future relief based on future surpluses that may not materialize. It poses a serious threat to our economy because it will use up what surplus there is so we cannot pay down the national debt. And it seriously threatens our Medicare and Social Security trust funds—not only in 2012 but beginning next year.

I promised the people of Florida I would do everything in my power to enact a substantial tax cut, which is balanced, in order to protect those trust funds and to continue paying down the national debt. I promised I would fight for a prescription drug benefit, and that I would work for better schools, a clean environment and a strong defense. I intend to keep those promises, and I must vote against this bill.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the tax bill currently being debated on the floor today. Everybody agrees that we need tax relief. But we must do it in a way that is affordable, responsible, and ensures that we are on sound fiscal footing. Unfortunately, the Republican tax cut does none of these things. I will vote against this tax cut for three reasons: It is irresponsible, premature, and it does not meet the compelling needs of our Nation.

The Republican tax cut is irresponsible because it mortgages our future for lavish tax cuts. It is premature, there is no way to guarantee that the Republican tax cut will be here today and that the American people can count on it tomorrow.

Unfortunately, the size of this tax cut will put an extra strain on this country's cashflow just when we will need it the most, when baby boomers will retire.

Finally, this tax bill makes it impossible to meet the compelling needs of our Nation. It does not have an economic stimulus in 2001; the size of the tax cut will make it difficult to make balloon payments coming due on Social Security and Medicare; and it will be extremely unlikely that the money will be there to create a meaningful and reliable Medicare prescription drug benefit.

I support the Democratic alternative because it ensures that we are meeting the day to day needs of our constituents and the long range needs of our country. What does the democratic alternative provide? First, Democrats want to put $300 in your checkbook right away, today, this year. Or $600 per family. This would provide an immediate economic stimulus and help all Americans who are struggling to pay for skyrocketing gasoline and energy prices.

Democrats would also provide tax cuts for all income taxpayers by reducing the 15 percent tax bracket to 10 percent on the first $6,000 income. Additionally, we include significant marriage penalty and estate tax relief, we raise IRA and 401(k) contribution limits, double the child tax credit, make college tuition tax deductible and provide resources to schools and communities modernize and build new facilities. I am also pleased that our bill includes an extension of the adoption tax credit and makes permanent the Research and Development tax credit. The democratic plan is balanced, fiscally prudent, and leaves resources so we can continue to pay down our debt, and make the balloon payments coming due on Social Security and Medicare.

Unfortunately, the Republican tax plan papers over the fiscal realities of our country. We need to get back to basics, to save lives, save communities, and save America. What do I mean by this? Well, while we are in the midst of debating bloated tax cuts, we have Marines who are on food stamps. I don't see how we can meet our national security commitment, do a $1.35 trillion tax cut, and have Marines on food stamps.

The Marines say ''semper fi,'' ''always faithful.'' They are faithful to the United States and we have to be always faithful to the Marine Corps and to the military. That's why we must ensure that we have the resources to invest in core infrastructure programs, like the military, that will pay dividends in the future.

Democrats want to put money in people's pocketbooks, but we want to do it is a way that it is here today and in people's checkbooks tomorrow. We believe we're on the side of people who are middle class and those who are working their heart out to be able to get there.

I hope that my colleagues will join me in opposing the Republican tax cut. We should do what's responsible, honest, and allows us to meet the compelling human need in our nation today. The democratic alternative will put us on the right track to doing just that.

Mr. JOHNSON. Mr. President, I had intended to offer an amendment to H.R. 1836, the Reconciliation Tax Act, that would have called for a $1.7 billion increase in veterans health care funding. Senators BINGAMAN, WELLSTONE, DURBIN, and DORGAN supported my amendment. While I will refrain from offering my amendment today, I will nonetheless continue to fight for improved health care for our Nation's heroes.

In a few short days, Members of Congress will return home to participate in Memorial Day services around the country. There is no shortage of rhetoric to go around Congress in support of veterans benefits and veterans health care.

However, when the time comes for real decisions to be made on the prioritization of veterans issues in the budget, too many Members of this body are missing in action. A case in point occurred during debate of the budget resolution. Despite bipartisan support for increased funding for veterans health care in both the House and the Senate, the budget conference report include funding levels below that proposed by the administration.

Last week, I spoke with veterans from South Dakota who expressed their concern that the current level of funding in the budget conference report could mean long waits for appointments and reductions or cuts in vital services. These situations are not unique to my State and affect every VA hospital and clinic in the country.

When the current level of funding in the budget conference, the VA could be forced to delay and even deny needed care and slash vital programs. Long term care and other provisions authorized under the Millennium Health Care Act must be fully funded in order to be carried out. The VA is faced with salary increases and inflation which alone consume over $1 billion of health care dollars.

The Paralyzed Veterans of America, PVA, noted that the budget conference report ''pays a grave disservice to the sacrifice of the men and women who have served this Nation. By providing fewer resources than was provided in the House-passed version, or the Senate-passed version, the conference report breaks faith with veterans. By providing fewer dollars than even the Administration's inadequate request for health care and benefits delivery programs, the conference report calls into question the commitment of this Congress to sick and disabled veterans.''

The Veterans of Foreign Wars, VFW, described the budget conference report as ''sadly inadequate'' and unable to cover ''uncontrollable expenses such as health-care cost inflation, implementation of the congressionally mandated Millennium Health Care Act and other pressing initiatives.'' The Disabled American Veterans, DAV, and AMVETS noted that an additional $1.7 billion would provide necessary resources to meet the needs of the men and women who have served our nation and rely upon the VA for the health care they need.

With an additional $1.7 billion, we will have the resources for a VA veterans health care budget that can adequately offset years of underfunding, the higher costs of medical care caused by consumer inflation, medical care inflation, wage increases, and legislation passed by Congress. Only with this additional funding will the VA be unable to address the treatment of Hepatitis C, emergency medical services, increased cost due to medical inflation, and long-term care initiatives.

The Independent Budget, coauthored by AMVETS, the DAV, PVA, and the VFW, highlights the need to increase funding in a number of important health care initiatives including: an additional $523 million needed for mental health care; and additional $848 million necessary for long-term care; and additional $25 million needed to restore the Spinal Cord Injury program; and an additional $75 million to help homeless veterans.

The budget conference report is clearly inadequate to meet the needs of sick and disabled veterans. It is unacceptable that while the House provided an increase, and the Senate truly met the needs of the VA, we are left with a figure that is below the amount found in either resolution, below the amount recommended by the Senate Committee on Veterans' Affairs, below the amount initially requested by VA Secretary Principi, and far below the amount recommended by the Independent Budget.

The amount in the conference report fails to meet mandatory salary increases due to inflation, fails to meet medical care inflation, and returns us to the days of inadequate budgets to meet the needs of veterans. Our country's heroes deserve better, and I encourage my colleagues to honor their service by supporting increased funding for veterans health care.

I ask unanimous consent that letters of support for increased veterans health care be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, May 17, 2001.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: It is my understanding that you will be offering an amendment to secure an additional $1.7 billion in funding for Department of Veterans Affairs' Medical Programs. On behalf of the 2.7 million members of the Veterans of Foreign Wars and our Ladies Auxiliary, I would like to take this opportunity to express our support for your amendment.

In partnership with other major Veterans Service Organizations, we produced the annual Independent Budget for VA where have identified the need for a minimum increase of $2.6 billion in VA's medical care account over FY 2001. The budget resolution for FY 2002 adopted by Congress has seen fit to prescribe a sadly inadequate $1 billion increase. If allowed to stand the VA medical care account would not even be able to cover uncontrollable expenses such as health-care cost inflation, implementation of the congressionally mandated Millennium Health Care Act and other pressing initiatives.

Your amendment would allow the VA to carry out its mission of providing timely access to quality healthy care for America's sick and disabled veterans.

We of the VFW, thank you for efforts on behalf of our nation's veterans.

Sincerely,

ROBERT E. WALLACE,
Executivee Director.

DISABLED AMERICAN VETERANS,
Washington, DC May 17, 2001.

Hon. TIM JOHNSON,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR JOHNSON: On behalf of the more than one million members of the Disabled American Veterans (DAV), I am writing to you to express our support for your amendment that would increase Department of Veterans Affairs (VA) health care funding to the level recommended by the Independent Budget (IB) for fiscal year (FY) 2002.

The Congressional Budget Resolution, H. Con. Res. 83, provides a discretionary spending increase of $1 billion. This recommended amount would not even cover the costs of mandated salary increases and the effects of inflation. The IB has identified an increase for VA health care of $2.6 billion over the amount provided in FY 2001. This recommended increase would provide the resources necessary for the VA to meet the needs of the men and women who have served our nation, and rely upon the VA for the health care they need.

Thank you for your efforts on behalf of our nation's sick and disabled veterans. Again, we strongly support your amendment to increase the amount available for VA health care up to the level recommended in the IB.

Sincerely,

ARMANDO C. ALBARRAN,
National Commander.

AMERICAN VETERANS,
Lanham, MD, May 18, 2001.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: AMVETS fully supports your proposed amendment to increase funding for veterans hospital care and medical services.

Your proposed amendment would increase the budget for veterans health care by $1.7 billion above the Fiscal Year 2002 Budget proposed by the administration. It meets the level of funding suggested by The Independent Budget as necessary for the VA to live up to our country's commitment to veterans and their families.

Without an increase in VA health care, resources will be insufficient to meet the needs of the men and women who have served our Nation, and reply upon the VA for the health care they need.

Thank you for your continuing efforts to support our nation's veterans. We believe the price is not too great for the value received.

Sincerely,

DAVID E. WOODBURY,
Executive Director.

PARALYZED VETERANS OF AMERICA,
Washington, DC, May 18, 2001.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: On behalf of the Paralyzed Veterans of America (PVA) I am writing to offer our support of your amendment to H.R. 1836 that would add $1.7 billion for veterans' health care. This amount, when added to the $1 billion provided in discretionary funding in the recently passed budget resolution, would bring veterans' funding close to the $2.7 billion recommended by the Independent Budget, which is co-authored by PVA.

The health care requirements of veterans were not met in the budget resolution. After realizing increases above the Administration's request in the House of Representatives, and achieving increases in the Senate that would have matched the Independent Budget's request, veterans' funding was cut back down to the level advocated by the Administration. This amount is simply not enough to meet the health care needs of sick and disabled veterans.

That is why your amendment is so essential—it would begin the process of meeting the true needs of the health care system dedicated to veterans. Again, PVA thanks you for offering this important amendment.

Sincerely,

JOSEPH L. FOX, Sr.,
National President.

Mr. REED. Mr. President, I am in strong opposition to the tax cut bill that the Senate has been considering over the past few days. I am sorry to say that this legislation fails the basic tests of responsible government. It is fiscally irresponsible to use $1.35 trillion of the surpluses projected over the next 10 years to pay for a tax cut, since these estimated surpluses may never materialize. Even the Congressional Budget Office, CBO, acknowledges that there is considerable uncertainty in their forecasts. In fact, within the CBO's estimates, they suggest that even a 1 percent per year slower growth in GDP would reduce the 10-year surplus by $2.4 trillion. With that much uncertainty, this tax cut is too large and risks squandering the fiscal discipline that has been so hard fought and earned over the past several years. With these excessive revenue losses, we will certainly sacrifice our ability to adequately provide for critical programs in the areas of health care, education, the environment, transportation infrastructure, defense and further paying down of the national debt. Now, many of the supporters of this legislation also tout the theory that government should be run like a business. However, no chief executive of a corporation would allow dividends to be locked in for 10 years, when earnings forecasts are so unclear. In addition, no corporation would ever submit a budget that would have critical elements missing, such as is the case with defense spending in this budget.

The tax cut also fails the test of responsible budgeting. The bill before the Senate is so backloaded that the full costs don't appear in the 10-year estimates provided by the Senate Finance Committee. Analysis by the CBO and the General Accounting Office, GAO, shows that the retirement of the baby boom generation will put enormous pressure on the budget starting a little over a decade from now. This is at the exact time when the full cost of the tax cut will be felt and will almost surely aggravate the deficits that many analysts expect to emerge at that point. Simply put, this bill is far more expensive than it appears. For example, 60 percent of the costs in the legislation don't occur until the second half of this decade. Some of the most expensive provisions, such as the full repeal of the estate tax, don't appear until the last year, so their real costs are truly masked. Other provisions expire in 5 years, such as Alternative Minimum Tax relief and tuition tax deduction, so their full cost is hidden. The effect of these sunset provisions also ensure that these issues will have to be considered again by a future Congress. Some analysts have also suggested that if all of the provisions in the bill were effective immediately, the full cost over ten years would likely be over $2 trillion, while the costs in the next ten years could exceed $4 trillion. Lastly, this legislation is a sham as it purports to include a complete tax package for the next decade, when realistically, many more tax items that are expiring shortly, otherwise known as ''extenders,'' will have to be added down the road. Again, far too much money is in play here while budgetary gimmicks and tricks are dictating the process.

This tax cut is also markedly unfair. Cuts in marginal tax rates above the 15 percent bracket and repeal of the estate tax benefit a small group of taxpayers who have experienced remarkable growth in income and wealth over the past five years. However, the legislation appears to neglect one important group of people: those taxpayers in the 15 percent bracket. Although the proponents of this bill would suggest that most taxpayers are in the 28 percent bracket or higher, the facts are otherwise. Research by the Democratic staff of the Joint Economic Committee and the Budget Committee point out that an overwhelming majority of those who pay income tax are in the 15 percent bracket, close to 75 percent, and would get no benefit from the upper bracket rate cuts in this bill. Now, the bill does provide a tax cut for everyone who pays income tax by creating a new 10 percent tax bracket immediately, albeit a minuscule one for those in the lowest bracket. In addition, the bill makes the child credit refundable, and in a manner that reduces marginal tax rates for many working families with children. Both of those provisions are worthwhile and should in fact be expanded. Nonetheless, Citizens for Tax Justice, CTJ, has provided an analysis of the legislation's rate cuts, and many of its findings are disturbing, to say the least. Some of these include: the top one percent of all taxpayers, with income of $373,000 or more, would receive one-third of the entire tax cut; the top one percent would receive an average yearly tax cut of over $20,000, while the bottom 20 percent would receive an average yearly cut of $64; and the middle 20 percent of taxpayers, incomes ranging from $27,000 to $44,000, would receive 9 percent of the tax cut, an average of about $600 per year.

One prominent example of the unfairness in this tax bill is the repeal of the estate tax. Supporters of this legislation perpetuate the myth that the estate tax is a ''death tax.'' The truth is that 98 percent of Americans face no tax liability under the estate tax when they die. In fact, the repeal of the estate tax takes away budget resources that could be used to pay down the debt and increase national saving, and it uses those resources to benefit a tiny group of very wealthy taxpayers. The effect on the Treasury will be astounding: although the Finance Committee estimates the estate tax portion of the bill to cost $146 billion over 10 years, because this provision is backloaded, the real costs will come after full repeal in 2011, costing almost $1 trillion over the next ten years. The impact on states will also be overwhelming. A majority of the states use a ''pickup'' system for their estate tax, whereby they essentially receive a portion of the Federal estate tax receipts. I know that in my State of Rhode Island, the estate tax accounted for $34.2 million in state revenue for fiscal year 2000. What can $34.2 million pay for? In fact, it can pay for 681 more police officers, or 729 more firefighters, or 575 more elementary school teachers. If the estate tax is repealed, States like Rhode Island will no doubt have to make up the shortfall in revenue by raising State taxes or cutting their budgets. Total State revenue loss when the estate tax is fully repealed could exceed $9 billion. Toward what end is this repeal aimed? In 1999, Rhode Island had 134 estates that were subject to the estate tax, 15 of which were estates of $5 million or

more. That is out of a total of about 486,000 taxpayers. Although the numbers for other States will fluctuate based on their size, we are again talking about a very small proportion of our whole population. That is why I have supported an alternative that would reform, rather than repeal the estate tax system. By raising the tax exemption levels to $4 million for individuals and $8 million for couples, almost all family-owned farms and businesses will be erased from the estate tax rolls. However, the tax would remain on the largest estates that have the ability, and the responsibility, to pay for the enormous wealth they have been fortunate enough to acquire.

To put things into perspective, the supporters of this bill and the Bush administration are hoping to pass a huge tax cut and increase military spending, while relying on rosy estimates of our economy 10 years down the line. Much of this debate recalls an earlier era during which Congress and the Reagan Administration attempted to do the same thing. Why are we rushing to pass a tax cut that is even more irresponsibly constructed than the 1981 tax cut; a tax cut which caused spiraling deficits and mounting debt in the 1980s and early 1990s? This bill takes the wrong approach and it is irresponsible. There is an approach we can take to provide meaningful and targeted tax relief to hard working American families, while ensuring that we have the resources to pay down the debt and invest more fully in our nation's environment, health care, education and other critical priorities. Sadly, the legislation before us rejects that balanced approach and embraces a policy which will threaten our prosperity and undermine our ability to respond to the needs of working American families.

Mr. KOHL. Mr. President, I rise to support this tax cut bill, though not with great enthusiasm and not without great trepidation. It is clear that a balanced tax cut is justified given the massive budget surplus we are experiencing. Whether this is that tax cut is a different question.

We have heard much this week about not letting the perfect be the enemy of the good. We have gone beyond that point with this bill. The debate now is whether we will let the good be the enemy of the acceptable.

The booming economy of the last few years has resulted in exploding tax revenues and growing budget surpluses. These surpluses present great opportunity and great risk. There is the opportunity to invest in unmet national needs; education, health care, retirement security, agriculture, child care. And there is opportunity to return some tax dollars to the hard working families whose productivity has driven our solid economic performance. As Federal Reserve Chairman Alan Greenspan has stated, a tax cut gets resources to those who know best how to take care of their families, the taxpayers themselves.

But with these opportunities come great risks. We are at risk of putting too much faith in multi-year projections of ever-growing surpluses. We are at risk of locking in revenue losses and deficits with which future Congresses and generations will have to grapple. The $1.35 trillion tax cut comes dangerously close to threatening the trust fund surpluses that protect Social Security and Medicare. That is why I cosponsored an amendment to put in place a ''trigger'' that would delay scheduled tax cuts if the trust fund surpluses were violated. That is also why I supported several attempt to bring the total tax cut number down and reserve some of those funds for spending priorities or debt reduction. Unfortunately, none of these amendments was accepted.

What was accepted, at the insistence of a groups of Democratic and Republican moderate Senators, was a sunset that ends all the tax cuts instituted in this bill after 10 years. At minimum, that will force Congress to reexamine the wisdom of the policies we put in place today and adjust them to fit with the economic and budget circumstances of tomorrow.

The other risk we face is passing a tax bill that tilts too much toward those who already have so much. I would have preferred a bill that included more relief for middle and lower income tax payers, and I supported numerous amendments to expand the tax benefits for these working families. None of those amendments passed.

That is not to say that this bill does not contain significant tax relief for these families. The provisions that expand and make refundable the child tax credit will make a real difference in the lives of millions of children struggling now in families living at or near the poverty line. These are gains that were not included in the House passed bill and that must be retained in the Conference Report to make the final bill acceptable. In addition, the Senate bill includes significant tax incentives for those who send their children to college and those trying to save for retirement. These too must be retained.

And finally, the bill contains a small provision on which I have worked for several years, the Child Care Infrastructure Tax Credit. This gives a modest tax incentive to employers who choose to invest in child care for their employees. This Nation clearly faces a crisis level shortage in quality child care—and quality child care is often the difference between work and welfare, between healthy children and struggling families. We win as a Nation and as an economy when we get employers involved in creating and supporting early childhood teachers and facilities.

These are all good reasons to vote for this bill. But there is another reason that overwhelms these all.

I am a Democrat who supports tax cuts. I am a moderate at a time when political power is wobbling from right to left. It is a certainty that a tax bill will be signed into law this year. If those like myself say ''no'' now, and push away from the table, we may be able to make some lofty political statements in time for the six o'clock news. But we take Democratic principles and the interests of working families with us. And I am not ready to do that.

So I vote in favor of this bill today with the hope and expectation that it remains a bill that benefits working families, students, retirees, and children tomorrow. And I commend Chairman GRASSLEY and the ranking member, Senator BAUCUS, for the clear effort and good faith with which they put together this bill.

Mr. ROCKEFELLER. Mr. President, I support a meaningful tax cut that provides all Americans with financial relief as quickly as possible, but I can not in good conscience support the bill before us today. The decision the Senate is faced with is not whether we should have a tax cut—no one can doubt that Democrats and Republicans alike want a tax cut. Rather, the question is how can we create a tax cut that is fair to the majority of working people and still have enough resources for other critical national priorities?

During the Senate's consideration of this bill, I supported a $900 million tax package that provides broad relief to all Americans—across the income spectrum—while ensuring sufficient funds for continued debt reduction and important programs like a Medicare prescription drug benefit. Unfortunately, the tax bill that we are on the brink of passing here today is significantly too large and is heavily skewed toward the most wealthy. If budget surpluses fail to materialize as projected, this bill will threaten our ability to fund urgent national priorities such as education and road construction, and could force us to dip into the Medicare and Social Security Trust Funds in the coming year just as the Baby Boomers begin to retire.

Mr. President, this bill is simply too large, given the enormous uncertainty of long-term budget projections. I believe that both President Bush's $1.6 trillion plan and this $1.35 trillion plan jeopardize our economic future and the long-term solvency of the Medicare and Social Security Trust Funds.

The facts are stark: Social Security payments will exceed income in 2015, and Medicare payments exceed income in 2010. We will be forced to tap into the Social Security Trust Fund principal in 2025 and the Medicare Trust Fund principal in 2017. In 2037, the Social Security Trust Fund will be exhausted, and the Medicare Trust fund will be exhausted even earlier, in 2025. I believe this tax bill jeopardizes the long-term solvency of Social Security and Medicare. These programs are fundamental for our seniors, and we have an obligation to ensure that both the Social Security and Medicare Trust Funds are protected before enacting massive tax cuts.

This tax bill is even larger than it appears, because it is backloaded in order to keep the real cost of the overall package hidden. Estate tax repeal does not occur until 2011, so its full cost is not included in the Budget Resolution numbers. Marriage penalty relief—which to me should be a higher priority than estate tax repeal because it helps all married taxpayers across-the-board—does not begin to phase in until 2006. Because of these late phase-ins, the true cost of this tax plan will not be apparent until the second 10 years. While the cost of the tax plan in the first 10 years is an estimated $1.35 trillion, the cost explodes in the second 10 years to $4 trillion.

The simple question we must ask is this: If we cannot afford these tax cuts now, then how will we afford them in the following decade, just as the Baby Boomers enter their retirement years?

There are other gimmicks in the tax bill designed to make the tax cut's impact look smaller than it actually is. For example, the tuition deduction sunsets in 2005, in order to keep the cost of the overall bill within the $1.35 trillion limit. But we all know from experience that the Congress will certainly renew this popular deduction in 2005 when it expires, so the relatively limited price tag for this provision is intentionally misleading.

This bill also fails to address the need to reform the alternative minimum tax (AMT). AMT was designed to make sure the very richest people paid their fair share of taxes, but as a result of this bill, almost 40 million mostly middle income taxpayers will actually pay substantially more in AMT by the end of the decade. This is a problem that will have to be dealt with in the next few years, or much of the tax relief in this bill will be nullified. Real AMT reform will cost several hundred billion dollars—an expense which is not accounted for in this tax bill.

Further, the majority has already asserted that it intends to pass additional corporate tax cuts this session. As large as this tax package is, the final figure will surely grow.

Another fundamental problem with this bill is that the lion's share of the tax relief it contains goes to the wealthiest Americans. Estate tax repeal was included in the bill, despite the fact that 98 percent of Americans who die are not subject to the estate tax and pass their estate on to their heirs tax free. Indeed, only 47,000 taxpayers in the entire country even pay the estate tax each year, and half of all estate taxes are paid by the wealthiest 0.1 percent of Americans. According to Responsible Wealth, the estate tax is repealed under this bill in 2011 at a cost of $60 billion—which effectively means we will need to tap into the Medicare Trust Fund in order to meet our obligations.

State and local taxes may need to be raised to make up for the loss of state estate tax revenues, which are also eliminated by this tax bill. Under the federal estate tax, taxpayers are allowed a credit up to a certain amount for payment of estate taxes, and many states, like West Virginia, tax up to the amount of the credit. If the estate tax is repealed, the credit will be eliminated as well, and West Virginia would lost over $20 million in revenue a year that is being used to fund critical state programs.

Another way this tax bill benefits the very wealthy is the cut in the top rate from 39.6 percent to 36 percent. The Joint Committee on Taxation estimates that the cost of this cut will be $114 billion. This is one of the more expensive provisions in the bill—but the top rate only takes effect at $297,000. So very few taxpayers, including only 0.3 percent of West Virginians, actually receive any benefit from it.

The Senate version of the tax plan does make some improvements in terms of fairness of the distribution of tax cuts. I strongly supported a provision to expand the Earned Income Tax Credit, so that families earning between $13,000–$16,000 a year will get the full EITC assistance. I also cosponsored Senator SNOWE'S amendment to give partial refundability of the enhanced child credit so that families with children can benefit from this tax cut. The bill gives families earning over $10,000 a 15 percent child credit, making the child credit partially refundable.

Both of these provisions are improvements, but they do not make up for a tax package that is otherwise unfair to our state, and an unnecessary bonanza for only the wealthiest. The provisions for low-income families and children account for just 5 percent of the $1.35 trillion package.

In addition, the low income improvements of this bill don't even benefit all families with children. Nearly 68,000 children in West Virginia won't be helped by the partial refundability provision because with incomes of less than $10,000 their families still do not ''earn enough.''

West Virginia taxpayers without children would receive little tax relief under the tax bill, according to Citizens for Tax Justice. The bill does nothing to relieve the real federal tax burdens faced by average West Virginians, who pay not only income taxes, but high payroll taxes and federal excise taxes.

During the Senate consideration of this bill, I offered an amendment to put a Medicare prescription drug benefit on equal footing with the tax cut for the wealthiest Americans—those in the uppermost income bracket. My amendment required that we enact a universal and affordable Medicare outpatient prescription drug benefit before the income tax cuts for the very wealthiest go into effect. The amendment was defeated 48–51, on a mostly party-line vote.

I sincerely believe my amendment would have put positive pressure on Congress to enact the Medicare prescription drug benefit we all promised our constituents. The vote tells me that many Members understand very well that the size of this tax cut threatens our ability to pass a Medicare prescription drug benefit.

In sum, the overall size of this tax package jeopardizes our economic future and the future solvency of Society Security and Medicare for today's workers and for our children. While the Senate version of the tax bill is an improvement over the House and Bush plan, too much of the tax cut still goes to the wealthiest, while hardworking West Virginia taxpayers—seniors, families with children, married couples, and singles—receive little or virtually no benefit. For these reasons, I cannot support this legislation.

Mr. FEINGOLD. Mr. President, I will vote against this tax bill because it is not fiscally responsible. This enormous tax cut may end up raiding the Medicare and Social Security Trust Fund balances. It risks a return to the annual budget deficits Congress worked so hard to eliminate. It will cause our Nation to miss what may be a once-in-a-lifetime opportunity to put our fiscal house in order by paying down debt, strengthening Social Security, and modernizing Medicare. And it does not fairly distribute its benefits. For these reasons, I must oppose it.

This is the most momentous budgetary vote in two decades. For with this vote, Congress appears poised to turn its back on 8 years of fiscal responsibility. With this vote, Congress appears willing to return to the deficit spending days of the 1980s.

I do believe that taxpayers deserve tax relief. With the favorable surpluses before us, we should cut taxes. I supported Senator CONRAD's proposal to cut taxes by $745 billion over the next 10 years. With its associated interest costs, that package would have devoted roughly $900 billion to tax relief.

But the tax cut in this conference report is too large relative to the surpluses that economists have projected. It seeks to devote $1.35 trillion to this one purpose. Interest costs could add another $400 billion to the cost.

We should not commit to tax cuts of this size before the projections of future surplus dollars have proved real, before we have ensured the long-term solvency of the vital Medicare system, before we have brought that program up-to-date with needed prescription drug and long-term-care benefits, and before we have done one single thing to prepare the vital Social Security safety net for the impending retirement of the baby boom generation.

With this bill, the Congress appears headed toward repeating the fiscal mistake it committed in 1981. Recall that back in 1981, they had surplus projections, too. In President Reagan's first budget, incorporating his major tax cut, the administration projected a $28 billion surplus in the fifth year, 1986. In the actual event, the Federal Government ran up a $221 billion deficit in 1986.

The 1980s saw the accumulation of more than $1.5 trillion in deficits and the tripling of the Federal debt held by the public. The Congress's decision to cut taxes too deeply in 1981 thus robbed the Nation of fiscal policy tools, and unduly constrained the Federal Reserve Bank in its monetary policy.

We risk committing that same error again today. As I have noted, the bill before us will cost at least $1.35 trillion in its first 10 years. And during this bill's second 10 years, the Center on Budget and Policy Priorities estimates that it will cost more than $4 trillion.

And those costs will come just as the Nation faces growing costs for Medicare and Social Security with the retirement of the baby boom generation. In their 2001 annual report, concluded under the Bush administration, the Trustees of the Medicare Hospital Insurance trust fund project that its costs will likely exceed projected revenues beginning in the year 2016. The Trustees say: ''Over the long range, the HI Trust Fund fails by a wide margin to meet our test of financial balance. The sooner reforms are made the smaller and less abrupt they will have to be in order to achieve solvency through 2075.''

Similarly, Social Security's Trustees remind us again this year that when the baby-boom generation begins to retire around 2010, ''financial pressure on the Social Security trust funds will rise rapidly.'' The Trustees project that, as with Medicare, Social Security revenues will fall short of outlays beginning in 2016. The Trustees conclude: ''We should be prepared to take action to address the OASDI financial shortfall in a timely way because, as with Medicare, the sooner adjustments are made the smaller and less abrupt they will have to be.''

This bill robs the nation of resources to deal with these important challenges.

As well, the bill before us is tilted heavily toward high-income taxpayers. According to Citizens for Tax Justice, when this bill's tax cuts are fully phased in, the highest-income one percent of taxpayers would receive 35 percent of the benefits of the bill. The majority of taxpayers in the bottom three-fifths of the population would get only a little more than 15 percent of the bill's benefits.

When this bill's tax cuts are fully phased in, the one percent of taxpayers with the highest incomes would receive an average tax cut of more than $44,000, while taxpayers in the middle fifth of the population would receive an average tax cut of less than $600.

This is not a balanced bill. It is not balanced fiscally. And it is not fairly balanced in its benefits. I will therefore vote against it, and I urge my colleagues to vote against it as well.

Mr. KERRY. Mr. President, as we near completion of debate over this tax bill, I want to commend the Chairman of Finance Committee, Senator GRASSLEY, and the Ranking Democrat, Senator BAUCUS, for their good faith efforts to craft a tax bill and move it through the Finance Committee, that is no easy task, and I have enormous respect for their hard work and the extent to which they each listened to members from both sides of the aisle. I am particularly grateful to see that the Finance Committee included a proposal advocated by myself, Senator SNOWE, and Senator LINCOLN which would extend the child tax credit to perhaps as many as an additional 16 million children. The legislation's new child credit refundability provision amounts to nearly $70 billion in expanded relief for working families with children. That is truly an accomplishment.

Nevertheless, today we are considering more than a tax bill—and much more than a number of individual tax pieces. What we do here has consequence. Nothing happens in a policy vacuum, nothing happens that doesn't affect everything else we do for this economy, the choices we can and can not make for this country. This is more than just a tax bill. It is a blueprint for the next several years, and, as such, I am sorry to say it is a blueprint that jeopardizes the fiscal discipline that has been the foundation of the long-term economic growth our country has enjoyed in recent years.

This tax cut is one of the great lost opportunities of the last twenty years in American politics. I want a broad-based tax cut that reaches every American and I want it done in a way that's fiscally responsible. I'm not alone. We could have had that, instead, we have a tax cut that's based on projections that won't hold up and which I fear will, as a consequence, bring us back to deficit economics again in this country. It didn't have to be this way. No business in America pays out dividends to shareholders based on ten year profit projections—neither should the government.

As someone who worked hard to put the budget in the black, from Gramm-Rudman Hollings deficit reduction in 1986 when ''balanced budget'' was a dirty word for Democrats, to the tough vote in 1993, to the balanced budget in 1997, I can't stress enough how this vote takes the country in the wrong direction on the question of fiscal discipline.

President Bush has said over and over, it's your money, not the government's money. It's also your debt. Under the tax cut that's about to be sent to the floor all it takes is one dip in the economy, one blip in surplus projections, and we've returned to the days of deficit economics, and that means higher interest rates on student loans, on car loans, and on mortgages. It means we slow the economy. That's not fiscally responsible policy-making, and it's a departure from the course of fiscal conservatism that brought us the growth and prosperity of the last eight years.

We could have made a different choice. We could have had a one, a two, or a three year tax cut. We could have stimulated growth. If surpluses were here after that, we could have cut taxes again, and I've never seen a Congress that didn't like to cut taxes. But that's not what's happening here. Tax politics is trumping fiscal discipline and honest economic policy.

We know the history here, and we know what a departure this represents. In 1993, the Senate cast a difficult vote to commit the Congress and the country to getting the deficit under control. This tax bill, if passed, could well be the vote that casts away that fiscal discipline.

Last week, we voted on a budget resolution. That budget resolution is nonbinding. But it gives us a framework for understanding how all the different pieces—the tax bill, discretionary spending, Social Security, Medicare, and debt reduction, will fit together. In so doing, the budget resolution made certain assumptions, assumptions regarding the economy and assumptions regarding spending.

First, the budget resolution is based on CBO's ten-year economic projections which are, overly optimistic and, by definition, hopelessly unreliable, as I will explain. Second, it assumes that nondefense spending will be held slightly below the rate of inflation for the next 10 years. We have not held spending to that level in decades. Third, it assumes that no additional funds will be needed for Social Security reform. I have yet to see a viable Social Security reform plan which did not need additional funds to address transitional costs. Fourth, although it did assume certain funds for Medicare, funding for a prescription drug benefit will have to compete with funding for overall Medicare reform. Finally, although it created a defense reserve fund, there was no money in the budget allocated for this purpose. It will have to compete with all other spending priorities.

Clearly, each of these assumptions deserves close scrutiny because they are the foundation for the tax cut we are considering.

A little over three years ago, in January of 1998, the Congressional Budget Office projected that the federal government would accumulate a 10-year unified surplus of $660 billion. While the January CBO report appeared only a few short months after the Asian financial crisis of 1997, its authors were careful to note that their ten-year projections were based not on cyclical effects, but rather on certain beliefs regarding the long-term prospects for the United States economy. The surplus estimates were driven by trends in underlying factors—important issues such as the demographics of the labor force, the rate of national savings, and growth of productivity levels in output per worker.

This January, once again, our Congressional Budget Office produced new estimates on what to expect over the next ten years. The economists projected the economy would grow at a

rate of 2.4 percent in 2001, a full half a point higher than CBO had anticipated for 2001 in its budget outlook written only three years ago. Nevertheless, we find ourselves dealing with ten-year surplus projections not of $600 billion, but $5.6 trillion. From 1998 to 2001, the Congressional Budget Office increased its ten-year surplus projections by 5 trillion dollars. Allow me to repeat that statement. In three short years, the Congressional Budget Office has increased its ten-year surplus projections by 5 trillion dollars.

It begs the question, what has led the Congressional Budget Office to increase surplus projections by such a tremendous amount over the last three years? Is it the result of deficit reduction measures? Absolutely not. Over the past three years, discretionary spending has grown by an average rate of well over 4 percent. The Balanced Budget Act of 1997 slowed the growth of Medicare, but Social Security and Medicaid spending continue to increase.

Today, the same economists that predicted a 10-year surplus of $600 billion in 1998 have changed their assumptions regarding the economy's ability to grow. They assume that productivity growth will continue at levels far exceeding levels attained from the mid-1970s through the mid-1990s. They assume that productivity growth will be well above its average over the last 50 years.

Yet, productivity levels already show signs of weakening. Productivity has dropped steadily since last summer. In the first quarter of this year, productivity recorded its first decline since 1995.

A surplus projection centered on an assumption that productivity growth will hold at the levels achieved over the last five years is not a conservative projection, and it is certainly not the stone on which Congress should engrave the largest nominal tax cut it has ever contemplated and bet the future of the US economy.

Indeed, the Congressional Budget Office acknowledges as much in their report. Their economists go to great lengths to warn of the pitfalls and dangers of budget forecasting. The January report devotes 24 pages to this very topic. Under one specific scenario modeled by CBO, their economists examine what would happen if the economy reverted to pre-1996 conditions, specifically, if: (1) productivity growth averages its historical rate of 1.5 percent, (2) Medicare and Medicaid spending grow a mere 1 percent faster than the baseline, and (3) increases in personal tax liabilities from phenomena such as recent capital gains realizations gradually fall to historical levels. In this instance, they estimate the budget surplus would fall from $5.6 trillion to $1.6 trillion. A full, four trillion dollars would be eliminated.

That scenario is far from a ''doomsday'' scenario. It simply assumes that productivity growth falls to historic levels, Medicare and Medicaid spending increase 1 percent, and capital gains realizations fall to historic levels. And it reduces the surplus by four trillion dollars.

Now I say to my colleagues, there is another piece of the surplus puzzle that just doesn't fit and that is the spending assumptions. Over the past 20 years, the difference in projected spending in the Congressional budget resolution for the next fiscal year and the actual amount of spending for the next fiscal year has averaged 3.3 percent. In other words, spending for fiscal year 2002 will probably be off by about 3.3 percent from the level anticipated in the budget resolution. Thus, with a $1.9 trillion budget, we're likely to be off by about $60 billion. And that's just next year.

Looking at the out-years, spending assumptions can be wildly inaccurate. Medicare spending is rising again, it increased by 3 percent in 2000. According to CBO, ''Historically, Medicare's growth rate has varied widely, and such fluctuations are likely to continue.'' In 2000, Medicaid grew 2 percent faster than CBO projected. In addition, minor upturns in inflation can result in major spending increases because many mandatory program benefits, such as Social Security, are linked to the consumer price index. And we have yet to adequately address all of the problems the Balanced Budget Act of 1997 created for Medicare.

On the discretionary side, since the end of President Reagan's last term, domestic nondefense outlays have increased at a rate of 6 percent a year, those are our investments in education, the environment, transportation, children and other priorities. Much of that increase was balanced by declining defense expenditures. That's about to change. Does anyone really believe that a budget resolution which assumes that discretionary spending will rise at the rate of inflation over the next ten years is honest budgeting? Judging by the votes during Senate floor consideration of the budget resolution, it's not about to begin today.

Now let's take a look at what happens to the surplus if we make a much more realistic assumption about spending. For example, maybe we will lower nondefense spending growth from the 6 percent averaged since the end of Reagan's term to 5 percent. Let's give ourselves the benefit of the doubt and assume that the defense build-up leads to increases in defense of only 5 percent per year. Thus, discretionary spending increases 5 percent a year over the next 10 years. In effect, with lost interest savings, we would wipe out more than $1.1 trillion of the projected surplus.

So first we have a potential situation in which our 10-year surplus, due to faulty economic assumptions, has fallen from $5.6 trillion to $1.6 trillion. When we then figure in honest and realistic projections regarding spending growth, our actual 10-year surplus has now been reduced from 5.6 trillion to $500 billion. We have wiped out all of the Medicare surplus and we have wiped out about 80 percent of the Social Security surplus, and we still have not calculated the cost of the tax cut or Social Security reform.

Now combine that scenario with the tax cut before us. We are about to enact a $1.35 trillion tax cut and at the same time, we have done nothing to deal with fundamental issues resulting from mandatory spending and the retirement of the Baby Boom generation. Moreover, there exists the very real possibility that we will return to the days of deficit spending and ballooning federal debt.

And while it may make a nice sound bite to say that if we don't send the surplus back to the American people in a tax cut, Congress will waste it, no one can make that argument with a straight face unless they are willing to set forth a real plan to deal with the fundamental issues facing Social Security and Medicare. Our President has yet to submit a Social Security or Medicare reform plan and I don't see one on the schedule in the Ways and Means Committee or the Finance Committee.

Social Security's trustees reported in March that Social Security's tax income will fall short of Social Security's benefit payments beginning in 2016. Medicare's tax income will fall short of Medicare spending the same year. Social Security and Medicare's problems are related to the aging of the labor force. In the not-to-distant future, there will be too few workers in the workforce to maintain Social Security and Medicare as pay-as-you-go programs. These are not small problems.

In the case of Social Security, Congress will have to either reduce Social Security benefits, raise Social Security taxes, or find a third alternative. Individual accounts, partial privatization, or investment of Social Security funds in the stock market, even under the best of circumstances, regardless of how they are structured, will require use of large-scale additional funds to ensure that current and near retirees will not be penalized. But under the scenario I have outlined, there would be no General Treasury funds available and Social Security surpluses over the next ten years would be eliminated.

The same issues apply to Medicare. The Congressional budget resolution sets aside $300 billion in a Medicare Reserve Fund. However, that $300 billion is needed just to finance a decent prescription drug benefit. In addition, there will be substantial costs associated with reforming Medicare. This year's Trustees' Report showed that health care costs per capita will rise. But as I have demonstrated, the tax cut would place Medicare surpluses in jeopardy.

Dealing with the Social Security and Medicare's financial problems sooner rather than later minimizes the pain for beneficiaries and workers by allowing the government to address transitional costs before the problem reaches the breaking point.

Congress should be acting in a fiscally responsible way by addressing Social Security and Medicare's long-term problems while we have the opportunity, while the Federal government is operating under surpluses and not deficits.

Turning to the actual tax cut before us, regardless of how you feel about the bill's specific provisions, one glaring problem flows from the fact that most of the bill's provisions will not take effect for several years.

According to the Joint Committee on Taxation, the cost of the bill in 2011 will exceed the cost of the tax bill in the first three years combined. By the time we reach 2011, the cost of the Chairman's proposed tax cut will approach nearly $200 billion per year.

The most obvious example is the bill's estate tax relief provisions. Over the next five years, the bill would provide a total of $36 billion in estate tax relief. However, the bill does not actually repeal the estate tax until the year 2011, and, therefore, the revenue hit resulting from repeal of the estate tax will not actually occur until 2012, so its impact does not even appear in the revenue tables.

Thus, the bill repeals the estate tax in the same year that the Baby Boom generation will begin retire. Is that fiscal responsibility? The stark reality is that the cost of the tax cut will arrive just when we are least able to afford it.

The same problem applies throughout the legislation.

To make matters worse, because many of the bill's provisions will not take effect until the second five years, the costs of the tax bill escalates at a time when surplus estimates are the most unreliable, towards the end. And by back-loading the bill, we are ensuring that the costs of the tax cut will rise just when surpluses are most unreliable and our fiscal problems related to the aging of the population are truly emerging.

Finally, I say to my colleague, by passing this tax cut, we are effectively ensuring that the Federal debt will stop falling and start rising again. Under the Congressional Budget Office's January baseline, Federal debt, i.e., debt held by the public as well as debt owed to Federal trust funds such as Social Security and Medicare, will fall in each of the next five years. However, under the budget resolution Congress passed last week, Federal debt would soon be on the rise again. Even if you accept their assumptions about spending and the economy, after five years, Federal debt will be $600 billion higher than the CBO baseline. Over the full ten years of the budget resolution, Federal debt would increase by over $1 trillion, from $5.6 trillion in 2001 to $6.7 trillion in 2011.

And by using unrealistic economic and spending assumptions, as I have shown, they are ensuring that debt held by the public will rise. From 1969 to 1997, debt held by the public increased every year. Over the past three years, we reversed that trend. From 1997 through 2000, the Federal government retired $360 billion of debt held by the public. In the early 1990s, by enacting a real deficit reduction program, we were able to completely change the course of interest rates, inflation, and the economy.

Reducing publicly held debt means the government is buying back bonds, thereby freeing capital in private sector financial markets. As Federal Reserve Chairman Greenspan noted in Congressional testimony earlier this year, ''a declining level of Federal debt is desirable because it holds down long-term real interest rates, thereby lowering the cost of capital and elevating private investment.'' Paying down publicly held debt results in lower interest rates and lower inflation. The result is lower home mortgage rates and lower auto loan rates for every American.

Paying down debt has also helped finance a high level of private sector investment at a time when personal savings rates are declining. By buying back bonds, more capital is available in domestic markets. It is that simple.

But under the tax cut we have before us today, the ability to reduce publicly held debt will be strained. Their numbers make unrealistic assumptions about the economy and unrealistic assumptions about spending. While only time will tell, I fear we are moving down the wrong path, one that reverses the progress made over the last eight years.

I acknowledge that the Chairman and Ranking Member have made great strides to ensure that their bill will benefit a broad spectrum of Americans. I particularly appreciate the fact that they included a $70 billion provision that Senators SNOWE, LINCOLN and I requested which will ensure that an additional 16 million children benefit from the expanded child credit.

Nevertheless, for all of the reasons I have outlined, I believe the evidence is clear, the long-term consequences of the proposed tax reduction will set back our economy and our nation. I want tax relief, but I don't believe in doing it at the expense of fiscal discipline. And that is why I would urge my colleagues to vote against this agreement, we can and should do better.

Mr. SARBANES. Mr. President, I rise today in opposition to the tax reconciliation legislation pending before the Senate. Unfortunately, this tax bill spends vast sums of money, based on shaky economic forecasts, and disguises its true cost by phasing in most of its tax relief far into the future. As a result, this legislation poses a real risk to our Nation's fiscal health without providing the tax relief Americans have been promised for years to come.

Let me begin by clearly stating that I am not opposed to responsible tax relief. I believe we can craft a fiscally responsible tax cut that does not endanger our economy and provides meaningful tax relief, including targeted measures, a component of across-the-board reductions, and an economic stimulus package.

That being said, I must oppose the massive tax bill before the Senate today for several reasons. Foremost among them is my deep concern that, if we pass this legislation, we will be repeating the mistake we made in 1981 and squandering the fiscal security we have worked so hard to achieve. In 1981, Congress complied with the President's request for a large tax cut. The Nation felt the negative effects of that tax cut for more than a decade, as Federal deficits grew and the national debt exploded. It took the country nearly 20 years to recover from that tax cut, and move from a period of record budget deficits, to economic prosperity and budget surpluses.

Today, we again have an opportunity to shape the course of our country for the better, and part of that course should include responsible tax cuts. I have supported proposals to devote a full third of our projected non-Social Security surplus, approximately $900 billion, to tax relief. It is my strong belief that we should devote a full third of the surplus to paying down our national debt. Simply put, if we don't take measures to reduce the debt in times of surplus, when will we? The remaining third of the surplus is needed to address the priorities I hear from the Marylanders I meet every day, access to healthcare, education, a prescription drug benefit in Medicare, protecting Social Security, enforcing our Nation's laws, addressing rising energy costs, and on and on.

A $1.35 trillion tax cut will not allow us to act on these crucial areas, particularly when it is based on a highly speculative ten-year forecast of our Nation's future revenues. This bill is based on economic projections of a $2.6 trillion non-Social Security surplus. That surplus is not cash-in-hand being held by the Federal Government, it is a prediction that in the future this money will materialize. Based on that prediction, the tax bill would spend $1.35 trillion over the next ten years, despite a national debt of more than $5.6 trillion, or $20,227.19 for every man, woman, and child in our country.

I believe it is unwise to base such a massive tax cut on projected income that may never come to pass. The serious limitations of economic projections are clearly illustrated by recent experience: just six years ago, in January 1995, the Congressional Budget Office projected that we would finish the year 2000 with a $342 billion deficit. Instead, we saw a surplus of $236 billion, a swing of $578 billion. In fact, most of the projected surplus over the next 10 years is expected to occur in the outyears, when projections are the most uncertain: Almost 70 percent of the non-Social Security surplus is projected to occur in 2007–2011, the last 5 years of the projection period. I believe it would be the height of folly to commit these uncertain surpluses to large,

permanent tax cuts, as this tax bill does.

While I am concerned about tax reductions amounting to $1.35 trillion, the cost of the tax bill this decade, I am even more disturbed by the exploding cost of these tax measures in years to come. The authors of this legislation have employed a variety of tactics to disguise the true cost of the bill. Most significantly, the various tax cuts provided by this legislation are slowly phased in over ten years to keep costs under the $1.35 trillion maximum dictated by the budget resolution. Other provisions granting tax relief actually expire in the middle of the ten-year period covered by the bill.

I am opposed to such shell games that hide the true cost of this legislation for two reasons. First, the American public is being promised tax relief and likely doesn't understand that the changes which may benefit them the most will not arrive for years to come. Whatever your own tax cut priority, odds are it will not be realized for a long time. Marriage penalty relief does not begin until the year 2005. The final rate cut in the upper income tax brackets does not occur until 2007. The increase in the child credit to $1,000 does not take effect until 2011. The full increase in IRA contribution limits and the repeal of the estate tax do not take effect until 2011.

In addition to this extreme backloading of costs, this tax legislation actually ''sunsets'' several important provisions in order to hold down costs. Most of the alternative minimum tax, or ''AMT'', relief provided in the bill is actually eliminated in 2006. As a result, the number of taxpayers affected by the AMT would explode this decade to nearly 40 million taxpayers by 2011, more than 25 times the number of Americans now affected by the AMT. Provisions aimed at encouraging small businesses to fund employee pensions expire in 2006. And deductions for education expenses end in 2005.

The American people have been sold this bill as providing all of this relief, and have not been told how long they are going to have to wait to get it, and that it is not actually permanent relief. Even more importantly, such accounting gimmicks disguise the real cost that this legislation will impose on our Nation. The true cost of this package will rise to anywhere from $3.5 trillion to $4 trillion over ten years once it is fully implemented, which coincidentally occurs right at the time the baby boomers retire. If we enact this drastic cut, where will we find the resources to meet the needs of an aging population? How will we invest in national priorities like education, a well-prepared military, and a prescription drug benefit in Medicare? I strongly believe that we cannot enact such a huge tax cut, based on shaky economic forecasts, that will consume such a vast amount of resources just as our Nation's need is the greatest.

Finally, I believe it is worth noting who receives the benefits of this tax reconciliation bill. As I have said before, I am not opposed to a component of across-the-board tax relief. For example, the new 10 percent tax bracket created in this bill would benefit all Americans who pay taxes, including those with the highest incomes in our country. I would also support legislation to ease the marriage penalty and significantly increase the estate tax exemption so that our families can pass on more to future generations.

However, a disproportionate percentage of the benefits of this legislation is given to the wealthiest in our country. According to Citizens for Tax Justice, thirty-five percent of the benefits of this tax bill goes to the richest one percent of taxpayers—who have an average income of $1,117,000. While they get 35 percent of the benefits of this bill, that top one percent of taxpayers pays only 20 percent of all Federal taxes.

In contrast, this legislation fails to provide tax relief for many of our Nation's hardest-working taxpayers. The tax bill we are considering today provides no tax relief to the many American families who pay no income taxes, but who pay substantial payroll taxes. These low-income workers have not benefitted from our Nation's booming economy in recent years. Between 1992 and 1998, the bottom 95 percent of Americans experienced an eight percent rise in their after-tax incomes, while the top one percent of taxpayers saw their after-tax income increase by 47 percent. We should find some way to give those workers who have not participated in our recent economic prosperity, but still pay substantial payroll taxes, the relief they so desperately need.

Nonetheless, some will argue that wealthy Americans pay more taxes and, therefore, deserve a larger tax cut. That may be true if only the dollar amount of the tax cut is considered, but the tax bill we are debating gives a larger percentage of its tax cuts to high-income Americans. According to the Center on Budget and Policy Priorities, this tax bill, when fully phased in, will increase the after-tax income of the richest one percent of Americans by an average of five percent. In contrast, the bill will increase the after-tax income of the middle fifth of American taxpayers by only 2.2 percent, and the poorest 20 percent of families in our country will see their income increase by only 0.8 percent. Therefore, this legislation would increase the after-tax income of our richest Americans more than twice as fast as those in the middle class, and six times faster than families in the bottom 20 percent of the income scale. Clearly, this bill denies middle-class and lower-income Americans tax relief in order to benefit the wealthiest in our country.

I believe that by passing this tax bill we will throw away an unprecedented opportunity to develop a sound fiscal policy for our Nation. We have an unparalleled opportunity to pay down the Nation's debt, to invest in our future, and to shore up vital programs. If we act prudently, we can ensure that the Federal government will have the resources to meet our obligations after the baby boomers retire and beyond. We can do a reasonable tax cut in response to the problems confronting working families all across the Nation, and we can do all this in a very balanced way. Because this legislation would squander our best chance for investing in America's future, lifting the debt burden off the next generation, and providing a reasonable tax cut for our working families, I strongly oppose this excessive tax bill and I urge my colleagues to do the same.

Mr. LEAHY. Mr. President, I rise today to oppose the tax reconciliation bill being considered by the Senate today. I believe Vermonters and all Americans deserve tax relief, but we need to have a fiscally responsible tax package that benefits everyone. We do not need one that is so large, so likely to result once again in budget deficits, so full of budgetary gimmicks, and so skewed toward the wealthy.

If we are serious about passing a tax cut bill to provide needed relief to all Americans we should be lowering the tax rate for low- and medium-income people, making the child tax credit fully refundable, eliminating the marriage penalty tax immediately, creating an R&D tax credit, increasing IRA and pension contributions, and allowing for greater college tuition credits. Unfortunately, we are delaying all of these important tax relief components in order to shoehorn a massive rate reduction for the wealthiest Americans into this bill. It also pays for this massive tax plan at the expense of needed investments in Social Security, Medicare, education, the environment, and paying off the national debt.

I am one of five Senators still in the Senate who voted against the Reagan tax plan in 1981. We saw what happened there: We had a huge tax cut, defense spending boomed, and the national debt quadrupled. The tax plan was popular but it was wrong. America should not move backward in that direction.

This tax plan is too large. I voted for a responsible tax cut plan targeted to help the low- and medium-income people of this country who need tax relief the most. The $900 billion alternative I supported offered immediate tax refund checks to help boost the economy and help Americans pay for higher gasoline and energy prices, rate reductions for all income taxpayers, marriage penalty relief to start immediately, a partially refundable child tax credit, tuition tax deductibility to make college more affordable for middle class families and a major effort to modernize our public schools, a comprehensive package of retirement savings incentives to increase IRA and pension contributions and encourage small business to set up pension funds for their employees, a permanent extension of the $10,000 adoption tax credit, health insurance deduction for the self-employed, responsible estate tax relief, a permanent

R&D tax credit, and elimination of the alternative minimum tax, AMT, for people with income up to $80,000. Unfortunately, the majority refused to seriously consider this offer to provide reasonable tax relief to working men and women and their families.

This tax plan is not fiscally responsible. We should keep in mind the inherent risks of forecasting budget surpluses ten years into the future. The President has argued that the surplus will be around $1.6 trillion and that all of that should go toward tax cuts. And most of the tax cuts in this bill come in the second 5 years of the 10-year plan. Setting aside the argument of how to spend that much money, is it really available? The predictions used to calculate $1.6 trillion were based on the U.S. economy expanding at an annual rate of 4 percent from 2000–2010. I think we know from the current economic slowdown that our economy is growing nowhere near 4 percent, if at all, right now. That is a big yellow flag that these assumptions are wrong. Focusing on budget predictions 10 years in the future is exceptionally risky and does not allow businesses and individuals to properly plan long-term.

This tax plan does not address our enormous Federal debt. Whatever surplus our Nation now enjoys should be used to pay down the $5.7 trillion gross Federal debt burden our country still carries. The Federal Government has to pay almost $900 million in interest every working day on this national debt. Paying off our debt will help sustain our sound economy by keeping interest rates low. I want to leave a legacy for our children and grandchildren of a debt-free Nation.

This tax plan is slanted toward the wealthiest among us. The original tax plan proposed by the President provides nearly half of that $1.6 trillion tax cut to the wealthiest in our country. We are sacrificing real tax relief to working families in this country for rate reductions to the wealthy. We should focus on enacting a responsible plan that will benefit the broadest number of people by reducing taxes to low- and medium-income people. By focusing only on income tax rate reductions, this tax cut plan leaves out millions of taxpayers who do not pay Federal income taxes but who do pay payroll taxes. In Vermont, there are 23,000 families who do not pay Federal income taxes. But 82 percent of those families do pay payroll taxes. For the vast majority of taxpayers, payroll taxes generate the largest tax burden, and yet this plan does not touch payroll taxes.

This tax plan has not been thoroughly reviewed and is full of budgetary gimmicks designed to mask the true effects of the bill. There are many unforeseen consequences of this tax bill that we should take into account before enacting this massive tax cut. However, with Republicans pushing to get this bill done by Memorial Day, there is great pressure to ram through a $1.35 trillion tax cut without a full review of all the proposals.

The New York Times has reported that one unanticipated effect of full repeal of estate tax may be greater capital gains taxes for most estates. After 2011, when the estate tax will be repealed, capital gains taxes would be owed on everything inherited above $1.3 million. As the Times reporter said:

> Presumably, the drafters of the legislation did not worry if all the pieces did not fit together in a coherent package because they were primarily interested in getting a bill on the table for debate.

States that tie their State tax returns to Federal returns are going to be hurt by the lost Federal revenues. Vermont's tax system is one of three in the nation in which taxpayers use their Federal tax bill to calculate their State income taxes. It is a simple system, but it is affected by every little tax change at the Federal level. In effect, a massive Federal tax cut leads to a massive State tax cut. According to Vermont State economists, the State stands to lose $506 million over the next ten years because of this tax bill. In FY 2002 alone, Vermont will lose $35.7 million. The conservative Heritage Foundation has estimated that Vermont may lose up to $1.5 billion because of this huge tax cut. This is a very large amount of money for a State whose population is only 609,000. How will the State make up these lost revenues?

Vermont was hurt 20 years ago when Congress last considered a massive tax cut. Those rewrites to the Federal Tax Code put the State in red ink for years. As the red ink grew, an emergency tax study group assembled by the Governor found that between 1982 and 1987 the State stood to lose $300 million because of the Reagan tax cut. Now we will be putting Vermont back in a similar situation. As our Governor has already warned, without raising State taxes to make up for Federal loses, Vermont will once again see major deficits.

This tax bill also asks States to pay for repealing the Federal estate tax by abruptly ending payments from Federal estate tax revenue that are now shared with the States. This bill will cut by half the Federal credit that States receive for the Federal estate taxes that are collected and will deny States between $50 billion and $100 billion over 10 years, or as much as two-thirds of the cost of the estate tax repeal in the bill.

Another anomaly of this bill is the way the AMT is calculated. While Democrats hoped to exempt people who make under $100,000 from AMT permanently, Republicans only want to slightly increase the exemption for 4 years from 2002 to 2006. The Republican plan would cause 39.6 million taxpayers to be subject to the AMT by 2011. Clearly this flies in the face of the original intent of the AMT, which was to ensure that wealthy taxpayers cannot make use of tax breaks to eliminate much or all of their tax liability. The tax bill will force more and more middle-class taxpayers to pay a tax that was meant to reach very few, well-off taxpayers.

I do not like the marriage penalty and think it is poor public policy. While this bill does contain two provisions designed to provide marriage penalty relief, it makes couples wait 5 years for that relief. While the rate cuts in upper-income tax brackets take effect next year, married couples will have to wait until 2005 to get relief and until 2010 until full repeal is fully phased in. This is 3 years after the upper income bracket rate cuts are fully effective.

After years of hard choices, we have balanced the budget and started building surpluses. Now we must make responsible choices for the future. Our top priorities should be paying off the national debt, saving Social Security, creating a real Medicare prescription drug benefit, protecting domestic spending programs, and passing a fair and responsible tax cut.

This tax bill falls far short of these priorities. It uses gimmicks to hide the bill's true costs. It provides no marriage penalty relief for five years. It contains no immediate tax refund to stimulate the economy. It has a hidden tax increase on the middle-class through the AMT. And its costs explode after 10 years, just as the baby boom generation begins to retire. For the sake of our economy and the working families of America, I will vote against this tax cut bill.

Mr. LEVIN. Mr. President, the budget resolution, including the tax bill which has passed the Senate, will almost surely push us back into the deficit ditch. The tax bill was rushed through before the President makes his request for additional defense funds, before the tax writing committees adopt additional provisions which we all know are forthcoming to extend current tax provisions, before the tax writing committees act to avoid the calamity which will befall 40 million people who will be forced to pay an alternative minimum tax as a result of this tax bill. That's twice the number that will be paying alternative minimum taxes by 2011 under current law. This fiscally irresponsible tax bill was pushed through before the review of the projected surplus which is due in August, and also before the appropriations bills are reported, which everyone here knows will exceed the domestic discretionary spending cap provided for in the budget resolution. The final result of all this fiscal irresponsibility will almost surely be the raiding of the Medicare surplus and a return to the deficit days of the 1980s.

Our future economic health took a blow today.

I support a tax cut, a reduction in taxes which is modest enough to be fiscally responsible, swift enough to provide an economic stimulus, and fair to

all Americans, including working families who are so shortchanged by the Republican proposal. The bill passed today is the opposite. Its large size makes it fiscally irresponsible, it actually delays tax relief, and it provides most of its benefit to the upper income Americans. It is based on long-term surplus projections which history shows to be highly speculative making this bill dangerous to our economic future. Finally, it is being catapulted through the Senate, exploiting a process which severely limits debate and which was never intended for tax reduction legislation of this size.

Although this bill is advertised as a $1.35 trillion tax bill, it's true cost is closer to $2 trillion. It fails to account for the cost of real Alternative Minimum Tax (AMT) reform. In fact, under this legislation, by 2011, nearly 40 million taxpayers will have to pay the AMT, including many middle income taxpayers. It ignores the fact that tens and perhaps hundreds of billions of dollars worth of additional spending, over ten years, will be required to live up to the President's goals for defense and education, and to provide for urgent domestic needs this Senate knows it is going to support.

This tax bill takes us back to the bad old days of backloaded tax breaks whose real costs explode several years after enactment. Although it technically sunsets its provisions in 2011 to meet the requirements of the Byrd Rule, the changes in the tax code which it makes, such as the repeal of the estate tax, are clearly intended to be permanent. The cost of these changes explode immediately beyond the ten-year ''window''. In fact, the bill's claimed $1.35 trillion price tag could triple in the second ten years. This budgetary time bomb is set go off at roughly the same time as the bill begins to come due for Medicare and Social Security. That is the time the ''baby boomers'' begin to retire and we must begin to draw down the Social Security Trust fund.

This tax bill is based on highly speculative long-term projections. Projections are always risky. We have seen many Federal budget estimates, and we know well that as quickly as these surpluses appeared, they could disappear. This bill is based on projections of surpluses for ten years downstream. History has shown that CBO projections for even five years into the future have been off over the past decade by an average of more than 100 percent.

The massive tax cut which the Senate has passed threatens to lead us back into the deficit ditch. We just climbed out of that ditch. And we shouldn't head there again, particularly when the country is saddled with a national debt that resulted from the last binge of deficits. The current national debt is $5.6 trillion. Based on the Budget Resolution which the Senate recently adopted and based on this tax cut, the national debt at the end of the next ten years will have increased to $6.7 trillion. If the projected surpluses do in fact materialize, we should be using them mainly to pay down the national debt instead of increasing that debt with a big tax cut.

In 1981, President Ronald Reagan introduced his Economic Recovery Tax Act which included huge tax cuts and predictions that the budget would be balanced by 1984. In 1981, I opposed that supply side economic approach because I was convinced that it would lead to huge deficits. We did indeed pay dearly for the debt which resulted from that legislation. In 1992, the annual deficit in the federal budget had reached $290 billion. The remarkable progress which since then has brought us to our current surpluses came about in large part as a result of the deficit reduction package which President Clinton presented in 1993, and which the Senate and House each passed by a margin of one vote. We should not now be passing an imprudent tax bill like the one before us, and head back toward new future deficits.

Although the tax cut is irresponsibly large, the economic impact will be remarkably small, because the bill before us does not contain the $85 billion economic stimulus adopted in the Senate-passed budget resolution. Only $33 billion is allocated for tax relief this year. The bill is extensively back-loaded: it doesn't start marriage penalty relief—the doubling of the standard deduction and the expansion of the 15 percent bracket—until 2006. IRA contribution limits aren't fully phased in until 2011. The Child Credit isn't fully phased in until 2011. The delay in relief actually shifts the responsibility of paying for our excess onto the next generation.

The relief provided in the bill isn't equitable. There is no tax relief for the 25 million taxpaying Americans that pay their federal taxes through the payroll tax. And it means too little to taxpayers in the 15 percent bracket, who will see no reduction in their marginal tax rate, while those in the top 1 percent receive nearly $40,000 worth of relief. In fact overall, the top 1 percent, earning an average of more than a million dollars a year, will receive about 35 percent of the benefits under this tax legislation.

I am also deeply troubled by the process which has brought us to this point. We considered this legislation under special rules contained in the Budget Act for a process called ''reconciliation''. This process is being misused to steamroll this bill through the Senate. By restricting a Senator's right to fully debate and amend this bill—no more than twenty hours of debate is permitted and the amendment process is severely constrained—the majority puts the Senate in a straightjacket. A similar oppressive tactic was used earlier when the majority bypassed the Budget Committee to bring the Budget Resolution to the Senate floor and when they excluded Democrats from the Conference Committee in order to write the reconciliation instructions which are being used to shield this legislation from full debate and amendment. This process is a rush to judgment which does damage to the institution of the Senate and its reputation for deliberation. And, it does this damage to promote a massive tax bill which will negatively affect the economic well-being of Americans for decades to come.

This Administration argues that the projected surplus should be returned to the tax payers because it is their money. Of course it is their money. But the economy is all of ours too. Social Security belongs to all of us. The Medicare program belongs to all of us. Our education program and helping people through college, belongs to all of us. And, of course, the national debt belongs to all of us as well. We owe it to the American people to reject this imprudent tax cut in order to pay down that national debt and to strengthen our commitment to those programs that the American people want. We can do that consistent with a targeted, modest, prudent tax cut. Unless it is improved in the Conference with the House, which is not likely, we should defeat this massive, unfair, imprudent tax cut bill when it returns to the Senate.

Mr. KENNEDY. Mr. President, it is unfortunate that the Republican leadership has interrupted the Senate's action on landmark education reform legislation in order to expedite action on their massive tax cut bill. It demonstrates once more that education is not a real priority for our Republican colleagues. Their only priority is tax cuts, tax cuts and more tax cuts.

The Republican position could not be clearer: Education can wait while we rush to give away hundreds of billions of dollars in tax breaks for the wealthy. In Republican priorities, the needs of the wealthiest taxpayers for new tax breaks rank far higher than the needs of America's school children.

Across America, 12 million children are disadvantaged in our education system, but we currently provide the full range of title I Federal education services to only one in three of these children. The rest are left to fend for themselves, with the most overcrowded classrooms, the least amount of quality teacher time, the most outdated textbooks and learning tools, and the most inadequate facilities.

Students with disabilities suffer from the same federal neglect. The Federal Government has long promised to fund 40 percent of special education. Yet it still only funds 17 percent, less than half of what was promised. Parents of millions of disabled children are forced to struggle in the States every year for the education that their children deserve. For years, states have called on the Federal Government to live up to its commitment to students with special needs. Yet the Republican budget, and the tax cut that follows from it, say no.

Instead, one of every three dollars of the tax breaks in the bill before us will

go to the wealthiest 1 percent of taxpayers. Once the tax breaks are fully implemented, the richest 1 percent will receive an average tax cut of $37,000 each year—more than most families take home from work in an entire year.

Mr. President, $37,000 a year could pay the salary of a new teacher in most school districts. But if this tax bill passes, there won't be funds for new teachers. Our Republican colleagues in Congress have decided that wealthy taxpayers need the money more.

The tax cut is clearly excessive. It is neither fair nor affordable. No wonder the Republican leadership is attempting to force a final vote in Congress as soon as possible, before public outrage builds.

Through the use of smoke and mirrors and budget gimmicks, the bill technically complies with the mandate of the budget resolution to report a tax bill costing $1.35 trillion over eleven years. But the real costs are far higher. The real costs of this bill explode in the outyears. It does not conform with the clear intent expressed by a majority of Senators to substantially reduce the size of the Bush tax cut.

Most disturbing of all is the extreme use of backloading to conceal the enormous cost of these tax cuts when they take full effect. The rate reduction is not fully implemented until the year 2007. Marriage penalty tax relief does not even begin until the year 2005. The amount of the child credit does not reach the full $1000 until the year 2011. The estate tax is not repealed until the year 2011 as well, so that almost none of the cost of the repeal shows up until the year 2012.

These tactics are the height of fiscal irresponsibility. The excessive cost of the tax breaks in the first 10 years is bad enough. But that cost will triple in the following 10 years. A $1.35 trillion tax cut in the first 10 years will mushroom to more than $4 trillion in the next 10 years, precisely when the Nation will confront unprecedented additional costs for Medicare and Social Security because of the retirement of the baby boom generation. Funds urgently needed to strengthen these basic programs are being denied by these reckless tax cuts.

Democrats support a substantial tax cut, one that would cost nearly a trillion dollars over the next 10 years, and that would give working families a fair share of the tax benefits. But this Republican bill does not deserve to be enacted. It is far too costly, and it fails to provide significant tax relief to those who need help the most.

It is clear that the nation cannot afford this tax cut without seriously neglecting America's most important priorities, including education. To meet our basic education needs, I will propose an amendment making reduction in the top marginal income tax rate contingent upon funding education at the levels that the Senate has already voted to support during our consideration of the Elementary and Secondary Education Act. If we do not have adequate resources to provide all students with a quality education, then we certainly do not have the resources needed to provide new tax breaks for the wealthiest Americans.

Fewer than 1 percent of taxpayers have incomes high enough to be affected by the top income bracket. These are the richest men and women in America. The $120 billion in tax breaks contained exclusively for them in this misguided bill should not take priority over the support for education that the Senate has already agreed is necessary. Support for basic education deserves higher priority than lavish new tax breaks for the wealthiest citizens.

Mr. BIDEN. Mr. President, Americans deserve a tax cut. They deserve a large tax cut. And in this time of budget surpluses, we can afford hundreds of billions of dollars of tax relief.

But Americans deserve other things at least as much. They deserve honesty in budgeting. They deserve a government that will face up to the fundamental choices that have to be made in writing a ten-year budget plan.

Americans deserve a strong national defense, safe streets, effective schools, world-class health care, clean air and water, a safe and efficient transportation system.

I must vote against this tax bill because it does not honestly face the serious choices that still confront us in this era of surpluses, because it sacrifices virtually all other priorities—and some of our fundamental values—to the single-minded pursuit of cutting taxes.

Despite what some would have us believe, we cannot afford to do everything for everybody all at the same time. We cannot cut taxes by nearly 2 trillion dollars in the next ten years—a number that actually doubles in the following decade—and continue to provide the fundamental governmental functions that Americans need and deserve.

If we are honest about the real costs of this tax cut, Mr. President, we would admit that on top of the $1.35 trillion sticker cost, we have to add $300 billion in additional interest payments that come from not paying down the national debt.

If we admit that we will have to reform the Alternative Minimum Tax that will soon hit millions of Americans, we have to add another $300 billion to its cost. Because history shows that we will extend the Research and Development tax credit and other popular and useful breaks that we have always supported in the past, we can add another $100 billion to the size of the tax cut.

Those calculations put the full cost of the tax cut and the real, foreseeable, inevitable tax issues that will face us in the next decade at over $2 trillion.

Two trillion—again, a number that will at least double in the ten years after the coming decade.

But we are told that there is a surplus that will cover the costs of this and all of the other things we will want and need. Money in the bank. Not to worry.

There is an old saying to the effect that something that sounds too good to be true, probably is too good to be true. This big tax cut certainly sounds good. It certainly would be appealing to go along and vote for it.

But that would not be honest because the numbers that we have in front of us right now tell us that we simply can't afford it.

The surpluses available to us in the next decade, if we agree not to spend money from the Social Security and Medicare Trust Funds, is supposed to be about $2.5 trillion. That sounds like a lot of money, and it would be, if it were real.

But it is not real for two reasons.

First, it is based on some assumptions we all know are just not true. If we can, let's just leave aside for a moment how well we can project the future of this economy—that problem alone has proved every other long-term surplus projection we have ever made wrong by hundreds of billions of dollars.

But even if we could know for sure that the economy will continue to grow at the high rates of investment and productivity we need to match the forecasts behind those projections—which we don't—those projections simply ignore some basic facts.

Only if we ignore those facts can we believe that the tax cuts in this bill make sense.

Here are some of the facts that make those surplus forecasts more likely wrong than right. They assume we will have no wars, no hurricanes, no floods, no earthquakes—no national security emergencies or natural disasters that would subtract billions of dollars from the projected surpluses.

The second reason the projections have to be wrong is that they assume we will cut the size of government in our country by 25 percent over the next ten years. As a share of the economy, our federal government is already the lowest it has been since 1960. There are plenty of reasons to believe that we will not be able to cut it by another 25 percent.

Our surplus projections do not account for increases in our population or increases in the cost of living over the next decade—incredible as it may sound, they do not. If we put those two basic budgeting concepts back into our assumptions, that subtracts as much as $640 billion from the surpluses.

Subtract that $640 billion from the $2.5 trillion estimated surplus, the tax cut is greater than the surplus remaining. Basic honesty in budgeting shows that we cannot afford a tax cut this big.

And the surplus projections ignore new spending priorities that everyone wants to address, on top of just keeping up with current levels.

The Administration has called for both a radical overhaul of our national defenses, and a new anti-ballistic missile program. We have no clear idea what those programs might cost, but I have added up just the six best known weapons modernization programs, and they add up to over $380 billion.

The new defense plan could add perhaps $250 billion, and a full-blown missile defense plan that covered every option the President has expressed an interest in covering could be another $100 billion. So prudence suggests we should show some of those costs in the budgets for the next ten years.

But we don't. That is hundreds of billions of dollars that will have to come out of the supposed surpluses, but we have no place for them in our discussions of this tax bill or in our budget calculations.

The President says that he wants to spend more for education, even though his budget includes no new spending for it. So far here in the Senate, we have passed $150 billion in new education spending, on a priority that all Americans share.

With just the spending that we know about in defense and education, virtually all of the non-Social Security, non-Medicare surplus is gone—and then some—with nothing left for improvements to our aging roads, bridges, sewers, dams, or docks.

No money for additional air traffic controllers or airports, no money to break the gridlock on our highways with a national high-speed passenger rail system.

No money for new policemen on the beat, for after-school programs to prevent juvenile crime, no money for drug interdiction or drug treatment programs.

With the huge additional burdens on Social Security and Medicare coming in the years just beyond the decade covered by this tax plan, there is no money left for the fundamental reforms of those programs. If we follow the Administration's approach to Social Security reform, we will need an additional trillion dollars. But there will be no money left.

Why are we left with so little for so many of our fundamental needs? Why, when we have finally brought our budgets into balance after years of deficits, can we not afford to pay for these essential priorities that we all agree deserve our support?

Because this tax cut was not designed as part of a comprehensive budget plan. If it becomes law for the next decade, it will be the only real priority in our budget. Every other priority, from defense to education—and even, I am afraid, balanced budgets—will be only an afterthought.

That is why I will vote against this tax bill. It costs too much; it depends too much on wishful thinking; it ignores realities that are staring us in the face over the next ten years.

We tried to amend this bill to fix the problems I have discussed. Senator MCCAIN offered an amendment to scale back the size of the tax cut to make room in our budget for the projected increases in defense spending. That prudent statement of our national priorities was voted down.

Senator HARKIN offered an amendment to simply hold off on a piece of the tax cut until we could certify that we can meet the long-term obligations of Social Security and Medicare. Once we could make that certification, every bit of the tax cut would go forward. That basic commitment to the promises we have made was voted down.

I offered an amendment to scale back the size of the tax cut to make room for a tuition tax deduction to help pay for college. That important priority of middle-class families was voted down.

Senator ROCKEFELLER offered an amendment to make sure we can afford to provide a prescription drug benefit for seniors before we cut taxes. It would not prevent a cent of the tax cut from going out—as long as we could pay for a prescription drug benefit. That bipartisan priority, shared by the President, was voted down.

Senator FEINGOLD offered an amendment to scale back the size of the tax cut so that surviving spouses will not have to give up their earthly possessions to pay for nursing home care received by deceased Medicaid patients. That small gesture toward fairness was voted down.

In every case the tax cut came first; every other priority—every other value—was left behind.

We can afford major tax relief for all Americans. And we can afford to provide the national security, the world-class education, the health care and the other priorities Americans have a right to expect. We can even afford a little fairness in the distribution of the many blessings we enjoy. We can afford to act on our values.

But not if we pass this tax bill.

We are indeed a blessed nation, at an historic peak in our prosperity and in our influence in the world. We have the resources to prudently manage the challenges and opportunities before us. But we are not immune to the basic laws of budgeting—we have to make choices.

This tax cut, by its sheer size—a size selected without consideration of any other priority—refuses to face honestly those fundamental choices. It refuses to recognize any other values.

I cannot support it.

Mr. MCCAIN. Mr. President, I commend Senator GRASSLEY and Senator BAUCUS for their dedication and hard work in completing this Reconciliation bill.

During the debate on the tax reconciliation bill, I have had serious reservations about some of the priorities contained in this bill.

First, after years of neglect, our military forces need to be significantly strengthened and it won't be cheap. But in the wake of large tax cuts, non-defense spending initiatives, and uncertain surplus projections, we cannot be sure how much money will remain to fund such defense priorities as National Missile Defense, force modernization, spare parts, flight hours, overdue facility maintenance, training programs, and the care of our service members. As of yet, we have not received from the Administration a request for defense spending increases. I hope their request, when it comes, is adequate to meet the needs of our national security, which, as I observed, are many and serious. If that request is not adequate to our needs, I will fight as hard as I can to increase it.

With the adoption of the Reconciliation bill both the Administration and Congress are going to have to make some very hard choices to find the resources to fund our national defense priorities. There's no way around it. We cannot take money from the Social Security and Medicare Trust Funds, so that means we will have to cut other spending programs or adjust the tax cuts to support our military forces. Those are very hard choices, indeed, and we don't like to make hard choices in Congress very often.

But, Mr. President, we are going to have to make them because our first duty, is and always will be the nation's security, and the defense of American interests and values in the world. And those members who believe we have been derelict in our duty lately, will have to take our case to the public, inform them of the hard choices before us and urge them to urge us to do the right and necessary thing, even if it requires us to take on a few sacred cows around here.

Mr. President, while I hoped for even more tax relief to middle income Americans, I do want to commend Senate Grassley for moving in that direction by insisting that the top rate should be cut to only 36 percent. I wish we could have made even greater progress by increasing the 15 percent bracket to include more middle class taxpayers. But the Senate has decided otherwise, and, recognizing what progress has been made by Senator GRASSLEY, I will not register my disappointment by voting against the bill. Neither do I wish to vote against the President's first, important success in the Senate. But I do want to make clear my firm opposition to any increases in benefits to the top tax rate payers at the expense of the majority of Americans who are in much greater need of tax relief. Should further reductions in the top tax rates be made in conference, I will vote against the conference report without hesitation.

Mr. NELSON of Nebraska. Mr. President, I would like to express my support for the tax cut bill. Simply stated, the time has come for a sensible tax cut. The American people deserve it; the budget can support it. Now, it's time for Congress to authorize it.

I sincerely believe this legislation will serve as an efficient delivery vehicle for responsible tax relief that will

benefit all Americans. While I support this tax cut plan for several reasons, the most concise justification for my position is that the $1.35 trillion in tax cuts over 11 years provided in the bill will cut taxes without cutting hope.

Since the beginning of this debate, I have repeatedly and consistently voiced my support for a substantial tax cut, as long as it would not interfere with our ability to fund our domestic budgetary priorities. I am pleased that this tax cut plan will not sap our resources for important obligations like agriculture and defense. It is reassuring to know that implementation of this plan will not be at the expense of our critical responsibilities. This legislation will provide across-the-board tax relief for the people of Nebraska, as well as all Americans, without interfering with Social Security and Medicare or hampering our efforts to pay down the national debt. Clearly, the cornerstone of this bill is responsible tax relief.

Perhaps even more significant in this bill's eleven-year, $1.35 billion tax cut package is the inclusion of a $100 billion up-front stimulus package. This two-year economic stimulus package will have an immediate impact on our economy, which has been showing all the symptoms of a slow-down. Such tangible, instant relief is precisely what is needed to counteract the threat of an economic recession.

While the reduction of personal income tax rates and the economic stimulus package are the highlights of this bill, I would like to emphasize the fact that there are several other components of this legislation contributing to its overall efficacy. This bill includes raising the exemption for estate tax relief followed by a gradual repeal of the estate tax, a doubling of the childcare tax credit by 2010, the dissolution of the so-called marriage penalty tax, and pension reform that will allow larger contributions to IRAs and 401(k) plans. I know Nebraskans have supported these initiatives for quite some time, so it brings me great satisfaction to know that they will soon be implemented.

I commend Senators GRASSLEY and BAUCUS for their efforts to achieve substantial bipartisan support for this tax cut bill. Their work has resulted in legislation that skillfully and responsibly addresses many of the major points of contention among the members of the Senate. It is in that same spirit of bipartisanship that I hope the Conference Report will be crafted. If the Conference Committee will follow the Senate Finance Committee's lead and work to build bipartisan support for the Conference Report, I am confident that the American people will finally receive the tax relief they deserve.

Ms. LANDRIEU. Mr. President, I rise today to support the Restoring Earnings to Lift Individuals and Empower Families Act of 2001. This tax package provides some needed tax relief to the people of Louisiana. In addition, it represents a bipartisan compromise by the committee members. I would like to thank the chairman of the committee, the distinguished Senator from Iowa, and the ranking member, from Montana, for their hard work in developing a tax relief package that tries to address the concerns and priorities of the people of our Nation.

While there is not a consensus on how to provide tax relief, there is consensus that the American people deserve a tax cut in the face of large projected surpluses. This package provides marginal income tax rate reductions, marriage penalty and estate tax relief, expands provisions for the child tax credit, encourages savings, and rewards adoption. The benefits of these provisions are not balanced in the way that I would like to see, but, of course, that is the nature of compromise. However, some of the tax cut initiatives included provide real relief to people who really need it, working families, struggling to make ends meet.

Louisianians work hard to provide for their families. Our State has an average income of $30,000 a year. In addition, 90 percent of all Louisiana households earn less than $75,000. I believe that the proposal before us now, the Senate RELIEF package, distributes benefits more fairly to the average taxpayer and middle-income families than the tax plan initially proposed by President Bush, and far better than the bills supported by the House Leadership.

This bill has many of the elements that will make a real difference to many Americans and Louisianians. Among these compromise elements are marriage penalty relief, and reform and eventual repeal of the estate tax, which I have voted for in the past and continue to support. In addition, this package provides necessary broad-based income rate reductions including the creation of a new 10 percent rate, and a doubling of the child tax credit to $1,000, to strengthen families.

When fully phased-in, the average Louisianian can expect to receive a tax cut anywhere from $300 to $500 a year. But more importantly, the effect of the new refundable child credit could offset much of the payroll and excise taxes that affect many Louisiana families. For example, a married couple with two children earning $20,000 could receive a tax benefit of as much as $2,000. That is a real saving that could make a substantial difference for many families.

In representing the people of Louisiana, my commitment has been to fiscal discipline, tax code fairness, debt reduction, and tax relief. Louisianians and Americans of all income levels deserve the significant tax relief included in the $1.35 trillion tax cut package now being considered by Congress. So, while I support tax cuts, I also support an amendment that provides an insurance policy against returning to deficit spending, a trigger mechanism. Federal Reserve Chairman Alan Greenspan repeatedly has stated in recent months his support for a trigger mechanism.

Through this trigger mechanism, the goal is to enact tax relief in a fiscally responsible way that protects against the depletion of the Social Security and Medicare surpluses, and allows for true debt reduction. The trigger creates a safety mechanism to address the possibility of either fiscally irresponsible tax cuts or ''budget busting'' Federal spending increases that would lead the nation back to a period of budget deficits and mounting public debt. Under such a trigger, tax relief would continue to be phased-in while specified debt reduction targets are met. If Congress falls short of those targets, the trigger would delay the implementation of new spending and tax reduction proposals until those debt reduction targets are back on schedule. The trigger mechanism will not cancel out or hamper the $1.35 trillion tax cut package. It will instead strengthen and increase the certainty of the tax relief by ensuring fiscal discipline.

I have also offered an amendment on behalf of myself and Senator CRAIG. The adoption tax credit amendment will truly encourage parenthood through adoption, and in the long run, reduce the costs to taxpayers. It provides a permanent expansion of the credit to $10,000 for both special needs and non-special needs adoptions for families with incomes up to $190,000. Removing children from long term foster care is a great benefit to society because it reduces the possibility that these children will develop costly social problems; such as drug dependence or criminal involvement. This delinquency comes at a high cost to the taxpayer. Our amendment enjoys wide bipartisan support, and should be included in the final package passed by the Senate.

While I support many of the measures in this tax relief package, I should add that there are provisions that I find very troubling. This tax cut is back loaded, with many of the costs exploding after the 10-year budget window. The repeal of the estate tax, only one provision of this tax bill, has been estimated to cost at least $145 billion in the eleventh year alone. In the long run, over the next 15 to 20 years, the revenue cost of the total tax package could be as high as $5 trillion. This is an enormous drain on Federal revenues, greatly reducing our ability to pay down our debt and provide strategic investments necessary for our economic growth.

Another concern is the lack of immediate marriage penalty relief, a provision that would benefit many families in Louisiana. This is unfortunate, because married couples treated unfairly by the tax code deserve a speedy remedy. In addition, Education Savings Accounts established in the tax bill are costly and, in my opinion, are an inefficient use of these funds given the great need of new investments necessary to support essential education reform efforts underway in Louisiana and across

the Nation. We need to target more of our federal revenue to poorer, moderate-income, and disadvantaged school districts to the level the playing field of opportunity and to truly ensure that no child is left behind.

Despite these concerns, the package does provide tax relief that is warranted due to the large projected surplus. That is why I rise to support this compromise tax relief package.

Mrs. FEINSTEIN. Mr. President, I rise to support the reconciliation bill currently pending before the Senate.

Although this bill is far from perfect, I do not think there is a member of the Senate who would not have drafted a different bill giving different weight to different provisions if given the opporutnity. It represents a compromise on a very difficult set of issues and does, in some areas, make progress.

While it does not provide the immediate economic stimulus I would like, for example, it does afford a wage earner providing for his or her family who makes less than $45,000 a tax cut of $300 this year, and $600 next year. Additionally, although not phased-in as fast as I would like, the changes this bill makes to the marriage penalty and the child tax credit provisions will allow a working couple to avoid paying the marriage penalty simply for getting married, and provide them with child tax credits when they have children.

The President requested a $1.6 trillion tax cut over ten years. This reconciliation bill will cost $1.35 trillion, still a sizable amount, over 11 years, including $100 billion for economic stimulus.

This bill contains several provisions which I believe are important to assure the continued long-term economic health of the American economy and which will benefit many hard-working American families: It contains the creation of a new, retroative, 10-percent tax bracket which has the effect of benefitting every single American who pays income taxes. Most of the benefit of the 10 percent bracket goes to people who earn less than $75,000 a year. It contains an across-the-board tax cut, including reductions in the upper brackets. Significantly, this legislation does not go as far as the President's proposal. The 39.6 percent bracket, for example, will fall only to 36 percent, not the 33 percent the President wanted. This is a fair compormise. It provides significant marriage penalty relief although that does not go into effect until 2005. Marriage penalty makes sense for social reasons: It reinforces the important institutions of family and marriage. It eliminates what many of us see as a vast inconsistency in our tax law. The marriage penalty simply makes no sense: Two people should not find that they pay more in taxes if they are married than if they stay single. Although not phased-in as quickly as many of us would like, this bill will eliminate this problem for many couples who now find they face a marriage penalty. I hope that the Conference Committee would find a way to implement this reform earlier than 2005.

It provides significant estate tax reform and repeal. I have long held that people should not be forced to pay a tax simply because of the death of a parent or spouse. In all too many instances under the current estate tax families are forced to sell a primary residence or go deeply into debt to hold on to a family farm or business simply because of the estate tax triggered by the death of a loved one. This legislation will first raise the unified credit to $4 million and lower estate tax rates and, then, in 2011, repeal the estate tax. Estate assets will not escape taxation under this approach. Rather they will be taxed at a stepped-up capital gains rate of 20 percent if and when a family chooses to sell them. This will allow families to keep the family home, business, or farm and, I believe, represents real progress on this issue.

This is especially important for California because of high land and property costs. Under the present estate tax, the heir of a $3 million estate which includes a home or business or farm could pay $700,000, or 45 percent of the taxable estate value of $1.7 million in estate taxes, due immediately. In future years, because of astronomic increases in land and property values, this will affect many more Californians than in the past. A child who does not have the cash to pay the tax may be forced to sell the family home, business, or farm. I cannot support a tax where rates are so high that they force an heir to sell their inheritance simply to pay the tax on it, especially in the case of farms or businesses where taxes have already been paid on the income which was used to purchase the asset.

This reconciliation bill expands the tax credit for families with children from $500 to $1,000 per child; increases the amount of the credit that is partly refundable so lower income families can benefit; and it expands and simplifies the earned-income tax credit so it is available to many more low-income working families than it is today. For example, under the current rules a family with one child would have to earn at least $14,000 to have a fully refundable credit of $600. This bill will extend the credit to families with incomes of $10,000.

It provides incentives for parents to set aside money for their children's future education by expanding the education savings accounts contribution limit from $500 to $2,000; extends the employer-provided tuition assistance credit to encourage employers to help employees continue their education; and helps college students pay off their student loans by eliminating the 60-month limit on deductibility of student loan interest.

It includes pension provisions to provide an incentive for people to save for their retirement, including increasing the contribution limits for IRAs from $2,000 to $5,000 by 2011; increasing 401(k) contribution limits from $10,500 to $15,000 in 2010; and includes provisions to help provide retirement fairness for women, including allowing ''catch up'' contributions to retirement plans for individuals over age 50.

It includes a down payment towards fixing the Alternative Minimum Tax, AMT, problem, an issue that is projected to mushroom by 2010. More needs to be done to make sure that middle class families do not find that because of the AMT they do not receive the benefits promised under this tax cut package. But I am pleased that in taking this first step the Senate has recognized that this is a big problem, especially for states like California, and I look forward to continuing to work with my colleagues in the years ahead to fix this problem before it develops into a genuine crisis.

I have had two concerns about this approach taken in this legislation, however. First, that the costs of this tax bill after 2011 may be quite high—as much as $3 to $4 trillion by some estimates.

That is why it was critical, for me to be able to support this legislation, that the ''sunset'' provisions remained in place and that the provisions included in this bill expire in 2011.

Although I fully expect that Congress will extend many, if not all, of these provisions, this provides us a critical opportunity to make a mid-course correction if, 10 years from now, a different approach on these issues is called for.

Second, I want to make sure that the tax cuts we are considering here today will not endanger the projected surpluses or undo the hard work and hard choices of the past decade which have allowed us to eliminate deficits and pay down the debt.

That is why I supported the amendment offered by Senators BAYH and SNOWE to create a ''trigger mechanism'' which will allow us to slow-down the phase in of some of these tax provisions should we not meet our debt reduction goals. Although this bipartisan amendment narrowly failed, I think that it sends an important message about our commitment to fiscal responsibility.

On the whole I think that the bill pending before the Senate today represents a fair compromise on a most contentious issue.

Today we are voting on a $1.35 trillion package, some $150 billion more than the Senate approved in the budget amendment last month with 65 votes, but still a fair package with many positive elements. So let there be no mistake: This is a large bill, and represents a major change in the tax system. As this reconciliation bill goes to conference, it is my sincere hope that the conferees understand that for myself, and, I believe, many of my colleagues, the package that we are voting on here today represents what we consider to be fair and balanced, and

that we would have considerable difficulty supporting any changes which may threaten to upset this balance.

I urge my colleagues to join me in support of this reconciliation bill.

Mr. FITZGERALD. Mr. President, I rise to speak about the Holocaust Victims Tax Fairness amendment, No. 670, to H.R. 1836, which I offered last Thursday, and which was approved by the Senate yesterday by voice vote.

I would like to thank Senators SCHUMER, JEFFORDS, CLINTON, MCCAIN, TORRICELLI, DOMENICI, ALLEN, DURBIN, GORDON SMITH, SPECTER, BILL NELSON, BINGAMAN, CORZINE, DEWINE, LEAHY, COLLINS, and FEINSTEIN for cosponsoring my amendment.

This year we mark the 56th anniversary of the end of the Holocaust. There are as many as 10,000 Holocaust survivors in my home state of Illinois, and over 100,000 in the entire United States, with an average age over 80. It is imperative that Congress act as soon as possible to prevent the federal government from attempting to tax any restitution obtained by Holocaust survivors and their families because of their persecution by the Nazis.

Holocaust survivors and their families have lived through unspeakable horrors. Three weeks ago, I attended a Holocaust Memorial Service at a synagogue in Skokie, Illinois. After the formal proceedings were over, I spoke with a number of survivors of concentration camps, and heard what they were able to tell me about their dreadful experiences. One survivor of Auschwitz told me things she had never told her children. Why? Because I was a United States Senator, and she felt she had to tell me so that the Holocaust would never be forgotten, even though remembering these horrors caused her indescribable pain.

The accounts of these survivors remind all of us that America has an obligation to continue to pursue justice and compensation for Holocaust victims and their families.

My amendment, the Holocaust Victims Tax Fairness Act of 2001, would prevent the Federal Government from imposing the Federal income tax on Holocaust restitution or compensation payments that victims or their heirs may receive.

The IRS has indicated in various private letter rulings that certain restitution money is exempt from the Federal income tax, but these rulings apply only to the specific individuals who received them, or to specific settlement funds, not to all recipients of compensation and restitution.

The U.S. Treasury Department has made clear that Federal legislation is needed to ensure that all compensation and restitution payments are protected from unfair taxation. In fact, the Bush Administration Treasury Department supports my legislation, as did the Clinton Administration last year. The Holocaust Victims Tax Fairness Act of 2001 will provide certainty for elderly Holocaust survivors, thereby sparing them from having to navigate complex legal and bureaucratic processes.

More than 50 years after the end of World War II, many banks and companies in Europe are beginning to return stolen assets to survivors of the Holocaust and their heirs. In August of 1998, two of the largest banks in Switzerland agreed to distribute $1.25 billion as restitution for assets wrongfully withheld during the Nazi reign. And in February of 1999, the German government agreed to establish a fund to compensate victims of the Holocaust.

This amendment ensures that the beneficiaries of these settlements and other Holocaust restitution or compensation arrangements can exclude the proceeds from taxable income on their Federal income tax forms. The measure also ensures that survivors and their families do not lose their eligibility for federal or federally assisted need-based programs when they receive Holocaust-related restitution or compensation payments.

Those of us too young to have lived in those times can never know the pain of the survivors. But we must learn from them. We who were born after the war must commit ourselves to try our best to shoulder the responsibility the survivors have carried for so long. While the restitution settlements pale in comparison to what they have lost, this legislation ensures that survivors and their families can keep all that is returned to them without being unnecessarily burdened by taxes or excluded from need-based programs.

The Congress must send a clear message that to allow the federal government to tax away any reparations obtained by Holocaust survivors or their families because of their persecution by the Nazis or their sympathizers is simply unacceptable. Given that the average age of Holocaust survivors now exceeds 80 years of age, we believe it is imperative that the Congress act now to prevent the Federal Government from attempting to tax this money.

Similar legislation was agreed to by the Senate as an amendment to the Taxpayer Refund Act of 1999. The provision was retained in conference, but the final bill was vetoed, preventing this important measure regarding Holocaust restitution from becoming law.

My amendment improves significantly upon bills on this issue that were introduced in the 106th Congress. For example, this amendment is more carefully crafted to encompass all possible types of restitution and compensation that Holocaust survivors or their heirs may receive in the coming years.

Furthermore, unlike previous versions, my legislation ensures that survivors and their families do not lose their eligibility for Federal or federally assisted need-based programs when they receive Holocaust-related restitution or compensation payments; this provision expands upon a 1994 law that protected only victims, not their heirs, from losing benefits from need-based programs because of restitution payments. My legislation corrects this unfortunate omission in the 1994 law.

Finally, unlike previous versions, my amendment provides that the initial tax basis of property returned to Holocaust victims or their heirs will be the fair market value of the property on the date of recovery. This provision ensures that Holocaust survivors who receive in-kind, rather than cash, restitution do not have to pay tax on capital gains if they immediately sell the property. Survivors should not be unfairly penalized because they receive in-kind restitution; and the Federal Government should not make one dime on Holocaust restitution, whether the restitution is in cash or in kind.

This legislation has strong bipartisan support in Congress. Twenty Senators have already cosponsored S. 749, a bill I introduced last month that is identical to this amendment.

Many organizations that work to assist Holocaust survivors have endorsed the Holocaust Victims Tax Fairness Act of 2001, including the Conference on Jewish Material Claims, the Anti-Defamation League, B'nai B'rith International, the American Jewish Committee, and the American Gathering of Jewish Holocaust Survivors-the largest organization of American Holocaust survivors.

After over 50 years of injustice, Holocaust survivors and their families are reclaiming what is rightfully theirs. Even as we support these efforts to reclaim stolen property, we must do our part in protecting the proceeds. I thank my colleagues in joining me in supporting this amendment.

Mr. CAMPBELL. Mr. President, today I express my support for H.R. 1836, the Tax Reconciliation Act of 2001. This bill is the largest income tax relief bill in 20 years and I believe the American taxpayers deserve and desire this legislation.

The Tax Reconciliation Act goes a long way to relieve taxpayers of an unfair tax burden. This bill provides: broad-based tax relief by reducing tax rates; family tax relief by addressing the Marriage Penalty Tax and by immediately increasing the Child Credit to $600; $150 billion to Estate Tax Relief and by repealing the Estate Tax by 2011; $30 billion in education benefits and $40 billion in retirement and pension benefits, and by extending the availability of the child credit under the Alternative Minimum Tax (AMT) and by increasing the AMT exemption amount.

I am particularly interested in the estate tax relief because again this year I introduced the Estate and Gift Tax Rate Reduction Act of 2001, S. 31. Estate and gift taxes remain an unfair burden on American families, particularly those who pursue the American dream of owning their own business. Why should family-owned businesses and farms be hit with the highest tax rate when they are handed down to descendants—often immediately following the death of a loved one? These

taxes, and the financial burdens and difficulties they create come at the worst possible time. Making a terrible situation worse is the fact that the rate of this estate tax is crushing, reaching as high as 55 percent for the highest bracket. That is higher than even the highest income tax rate bracket of 39 percent.

Furthermore, the tax is due as soon as the business is turned over to the heir, allowing little time for financial planning or the setting aside of money to pay unscheduled tax bills. Estate and gift taxes right now are one of the leading reasons why the number of family-owned farms and businesses are declining. Quite simply, the burden of this tax is just too much.

This tax sends the troubling message that families should either sell the business while they are still alive in order to spare their descendants this huge tax after their passing, or allow the value of the business to decline, so that it won't make it into their higher tax brackets. Whichever the case may be, it hardly seems to encourage private investment and initiative, which have always been such a strong part of our American heritage.

I am pleased that the bill before us takes the important step of addressing this unfair burden. I will continue to work with my colleagues for the complete elimination of the death tax.

I have heard people say that the cost of this bill is too great—that we can't afford it at this time. But I think since we now have a balanced budget and a significant surplus, then the American people deserve this tax relief and they deserve it now. The American people have earned this tax relief.

I know that $1.35 trillion is a lot of money, but we have over a $3 trillion surplus and one reason we have a $3 trillion surplus is the taxpayers got their taxes raised too much. If the American people overpaid, then the American people should get their money back—that is just fair.

The Tax Reconciliation Act of 2001 is the largest middle-class tax relief in twenty years and I think it is high time the hard-working taxpayer get this relief. I support this legislation and I urge my colleagues to do the same.

Mr. MURKOWSKI. Mr. President, we have engaged in a very hard-fought battle on the Senate floor since last Thursday. Some would say that this has been a partisan battle, and in many ways it has been a good partisan battle. If you look at the series of amendments that we have considered these past few days, you will see a fundamental philosophical division between the majority of both parties in the Senate.

The Republicans have stood firmly for the proposition that the American people have been overtaxed and deserve a partial refund of the huge $5.6 trillion surplus that is expected to accumulate over the next 10 years. We are not saying all of the surplus should be returned to the American taxpayer, but a modest portion—25 percent deservedly belongs to hard working American families. The remainder will be used to preserve and protect Social Security; enhance Medicare and pay down the national debt.

On the other hand, the Democrats have come up with dozens of amendments that reduce the size and scope of tax cut in order to promote more federal spending. In fact, I think one amendment offered by the senior Senator from Michigan, Mr. LEVIN, pretty much sums up the philosophy of the Democratic Party. That amendment provided that if Government discretionary spending went beyond the amounts set forth in the budget resolution, then the Secretary of the Treasury would be required to raise the top marginal rates paid by individuals.

In other words, let the Congress spend as much of the taxpayers' money as it pleases, with no discipline, no limits and then pay for that spending with administrative tax increases. Thus if Congress spends $200 billion more than budgeted, the Treasury Secretary simply can push a button and the top marginal rate could be 50 percent or 60 percent of whatever it takes to pay for wasteful spending.

Fortunately, that unconstitutional amendment was defeated, though 41 of the 50 Democrats supported the concept of this unconstitutional delegation of taxing authority and the lifting of all discipline or spending.

That said, the final bill before us is a bipartisan measure that will bring much needed tax relief to nearly every taxpayer in the country. And for more than 10 million individuals and families with no income tax liability, they will receive a rebate of payroll taxes; 19 million of the 64 million individuals and families with a top income tax rate of 15 percent will now have a top rate of 10 percent. And that tax cut is immediate and retroactive to January 1, of this year.

More than 30 million families will benefit from the increased child credit, 10 million of whom will receive a refundable child credit. Over more than 40 million couples will benefit from the marriage penalty relief contained in the bill and small businesses, the engine of growth in this country, will now be able to preserve their family assets without the threat that the government will force the business' breakup because of the punitive death tax.

For Alaska Natives, the bill contains a provision that will allow Alaska Native Corporations to establish settlement trusts. This is only fair. These tribal corporations, unlike lower-48 tribes, are required to pay income taxes. Settlement trusts will allow them to invest some of their earnings for the future social benefit of their members.

And for the many employees who work in the building and construction trades, the bill includes a provision that will allow them to receive pensions that better reflect the pension agreements their unions negotiated as part of multi-employer agreements.

This is a fair and balanced tax cut. I would have preferred we would have cut taxes even more, as the President proposed. But the step we take tonight marks the first major tax cut for all Americans in 20 years. I commend the chairman of the Finance Committee, Senator GRASSLEY, and the ranking member, Senator BAUCUS, for their diligence and hard work in achieving this important relief for the American taxpayer.

Mr. ENZI. Mr. President, I rise in support of S. 896, the Restoring Earnings to Lift Individuals and Empower Families, or RELIEF Act of 2001. It is time we ease the tax burden on all American taxpayers and return part of the surplus to the people who created it.

The legislation before us will benefit American taxpayers and improve our Nation's economy. The provisions of the RELIEF Act of 2001 include across-the-board rate reductions for all Americans, repeal of the death tax, reduction of the marriage penalty, doubling of the child credit, and increased incentives for retirement savings and education. This legislation incorporates some good principles of tax policy, such as encouraging investment, strengthening families, and rewarding savings. It takes an important step in the right direction toward a tax policy more worthy of a great nation.

The RELIEF Act of 2001 will encourage economic growth and productivity by strengthening America's small businesses. Small businesses are the backbone of the American economy. They represent over 99 percent of all employers in America and employ half of America's private workforce.

Small business creates 80 percent of all new jobs in America and accounts for bout 38 percent of the gross domestic product and half of the gross business product. Because of their ability to adapt quickly to changing market conditions, small businesses are nearly the sole source of job growth during times of economic recession. In short, if we want to provide a stimulus to the present economy, we should do all we can as soon as we can to help America's small businesses.

The legislation before us will greatly help small businesses. First, it kills the death tax. It should come as no surprise to anyone that the death tax is one of the most destructive taxes to small businesses. In one foul swoop, this tax can demolish the work of several generations of entrepreneurs.

The death tax rewards savings and investment with crippling tax rates that all too often force families to sell off their businesses just to pay their bill to the IRS. The death tax is a punitive tax on families by penalizing them for trying to pass on their life's labor to their children. I am pleased that this legislation axes the death tax and sends it to its grave where it belongs.

Secondly, the RELIEF Act of 2001 will help stimulate the economy by empowering small businesses in their effort to provide more jobs, invest in their physical facilities, and develop new products that will benefit American consumers and our Nation as a whole. it is important for everyone to understand that most small business owners file their taxes as individuals. Most do not file as traditional C-corporations, but rather organize as sole proprietorships, partnerships, S-corporations or some other structure that allows them to file their taxes using the tax rates for individuals. Each and every one of these ''flow through'' businesses that has positive income will benefit from the tax relief before us.

I would like to give my colleagues and the American people an idea of the number of small-business owners who would benefit under the rate reductions in the legislation before us.

There are nearly 17½ million individuals who had income from sole proprietorships in 1999, the last year for which we have complete data. Each one of these 17½ million people will receive tax relief under this legislation. These might be retailers, dentists, general contractors, accountants, or people employed in any other number of occupations that provide the goods and services that we use every day.

I should mention that these numbers only include taxpayers who had income from non-farm sole proprietorships and does not include business owners who may organize using other business entities, such as partnerships or S-Corporations. If we added in the people who file the schedule F for farm income and those who file schedule E for partnership income, the total would probably be in the neighborhood of 24 million. Since we don't have that data broken down by States, we will consider those small business owners who file as sole proprietorships. Keep in mind that the 17½ million is really the floor rather than the ceiling of small business owners who will benefit from the rate reductions in this bill.

To give people an idea of how this tax bill will benefit their constituents, I would like to share some of the numbers from individual States. In my home State of Wyoming, there were 38,000 people with small business income in 1999. By passing this tax relief, each and every one of these business owners would have more money to put into their businesses and benefit the economy as a whole.

Here is how this often works in the real world. Many of these businesses have a profit on paper which effectively puts these business owners into the highest tax bracket for any given year. If they didn't have to pay 40 percent of their income to the Federal Government, they would use this invest this money into their business by buying more inventory, building, remodeling, or re-tooling their physical facilities.

Many of these businesses would use this money for testing, research and development of new products and technology which would in time greatly benefit the economy as a whole. In my home State of Wyoming, each of our 38,000 business owners are making a great contribution to our local communities and it is time we let them keep a little more of their own money so they can grow their businesses rather than grow the pork in the Federal budget.

If you look at the other States, you will find that they also have significant number of small business owners who will benefit under the tax relief before us.

Montana has 76,000 business owners who would benefit from this tax relief. Like Wyoming, many of these are Main Street businesses which form the backbone of the economy in our small towns and help perpetuate the western way of life.

Colorado has 329,000 business owners who would benefit from this tax relief. Nebraska has 117,000 small business owners who would see their incomes rise from this tax relief. When you include the number of small business owners who operate farms, I expect this number would be considerable higher.

Similarly, 486,000 small business owners in Georgia would find more money in their pockets if we pass the RELIEF Act of 2001.

I have heard the criticism from some on the other side of the aisle that this tax cut is too tilted toward the rich. Some have said that the President's proposal would give millionaires the money to buy a new Lexus while it would only allow middle income people money to buy a new muffler. I really don't know what world they are living in, but I find it interesting that most of the people who are making these claims don't have any experience owning or operating a small business.

I have heard a number of my colleagues on the other side of the aisle express great concern about the number of mega-mergers between multinational corporations over the past several years. They have argued that these businesses continue to swallow up their smaller competitors in many of our communities and all too often have the effect of eliminating any real local competition. As a former small business owner, I am very sympathetic to these concerns.

My experience has taught me that the small, locally owned family businesses are much more likely to be active in their community. These are the businesses that constantly donate their goods and services to local charities, schools, and civic organizations in an effort to make their towns better places to live. Small business owners live in the same communities where they sell their products or offer their services and this is generally not true of the large, multinational corporations. Since most small businesses pay taxes under the individual rates, this legislation takes an important step in leveling the playing field with their large competitors.

In short, if members of the U.S. Senate want to take one action this year that can greatly aid in the survival of America's more than 17½ million small businesses, they should vote for this tax relief legislation. Members will not have a better opportunity this year to register their support for America's Main Street business owners than the RELIEF Act of 2001.

It is important to understand that we need to lower all the marginal rates to benefit our small businesses. According to treasury data, nearly two-thirds of the taxpayers who would benefit from lowering the top income tax rate are small business owners and entrepreneurs. Contrary to the stereotypes too often painted by the far left, most of the taxpayers in the top income tax bracket are not the idle rich.

Now I have a little experience in owning and operating a small business. I owned operated a Main Street shoe store in Gillette, WY, for 26 years with my wife and our three children. Let me tell you, when I got a tax cut, I did not go out and buy a Lexus. I would take that money and make improvements to my store so that my business would be more successful in the future and I would be better able to provide the services and products that would benefit my family and my community.

I wonder how these 17½ million small-business owners would feel if we told them ''you can't have a tax cut, because we don't trust you to spend your own money. You might just waste that tax cut on a luxury car. You better let us keep that money in Washington so we can continue to increase the size and scope of the Federal Government and have a little more control over every aspect of your lives.'' I don't know who my colleagues are talking with, but I trust the more than 38,000 small-business owners in my State to use their own money as they see fit.

America's taxpayers are long overdue for a return of their surplus. Americans are shouldering the highest peacetime tax burden in our Nation's history. Both the level of taxation and our underlying tax policy are unjust and in desperate need of reform. For too long, we have punished marriage and savings, discouraged innovation and job growth, and punished the same small business owners that deserve much of the credit for our economic success over the past decade.

It is time we listen to the more than 17½ million small business owners spread throughout our States, and our communities. It is they who will benefit from the RELIEF Act of 2001, and they in turn will help us by providing many of the goods and services that we will use every day.

The RELIEF Act of 2001, will benefit every American taxpayer by allowing them to keep some of their own money. It will stimulate the American economy by rewarding entrepreneurship and job creation. It respects marriage

and the family. It encourages savings and investment. It gives Americans greater freedom over their incomes and their futures. I applaud Chairman GRASSLEY and Senator BAUCUS for their hard work in writing this legislation and bringing it before the Senate today. We should enact this legislation with all deliberate speed. I urge my colleagues to join me in supporting the RELIEF Act of 2001.

Ms. SNOWE. Mr. President, I rise in support of the bipartisan tax cut package which passed the Finance Committee on Tuesday.

I first want to thank and commend Chairman GRASSLEY and Ranking Member BAUCUS for working so closely together to build a principled consensus one that not only brings this pressing issue to the floor in a timely fashion, but will also ultimately benefit the people of this nation. They have worked tirelessly for a fair and balanced tax cut bill, and I believe they have achieved that goal.

Inevitability, none of us will agree with everything in this bill. Some will wish we had done more, some less. But that is the sign of true compromise.

It is not about any one of us getting everything we would like. It's about making a judgment as to whether the preponderance of the measures in a given bill works for the good of the country. That is how the process should function—however difficult that process may be, and however much it may require us as individuals to compromise on facets of the bill we would prefer to be different.

We cannot allow the gears of the deliberative process to become jammed with the monkey-wrench of absolutism. This is not the time to retreat into the false haven of ideological absolutes. Especially in these perilous economic times, we cannot let personal or partisan differences get in the way of passing a fair and meaningful tax cut. Of course we have an obligation to speak our minds and to make changes where and when we can. But we also have an obligation to heed the warning signs our economy is sending.

I think everyone has probably had the opportunity to read at least a number of the myriad articles on the state of the economy. One Business Week article spoke of a terrible first quarter, stating that ''the earnings of the 900 companies on Business Week's Corporate Scoreboard plummeted 25 percent from a year earlier . . . The first quarter profit plunge was the Scoreboard's sharpest quarterly drop since the 1990–91 recession.''

Productivity fell at a 0.1 percent annual rate in the first quarter—the first quarterly drop in 6 years. And layoffs are at their highest levels since they were first tracked in 1993, with major corporations announcing more than 572,000 job cuts this year. Little wonder, then, that the unemployment rate has risen to 4.5 percent, with April's job loss the largest since February 1991.

Even more ominous is Business Week's recent observation that if wide layoffs of high wage earners continue, the likelihood of recession becomes even greater.

And the Washington Post noted recently that Federal Reserve cuts in interest rates have been the most aggressive since the second quarter of 1982—the worst recession since the Great Depression—and that observation came before the most recent half-percent rate cut. We cannot ignore these economic storm clouds that may portend negative consequences for American workers as well as our economic future.

And while it is true that a tax cut may not actually prevent a recession, if one is in the offing, I well remember the words of Federal Reserve Chairman Alan Greenspan, who came before the Finance Committee in January.

Chairman Greenspan stated that tax cuts, while perhaps not having an immediate effect, could act as ''insurance'' should our recent downturn prove to be more than an inventory correction . . . that it could soften the landing and shorten the duration of any recession should it occur. Again, there are ominous clouds on the horizon, and let's keep this in mind as well—''blue chip'' economists have indicated just this week that they are factoring the tax cut in their projections.

In fact, if there is one concern I have with this package, it's that, given our growing economic uncertainty and the grim repercussions it could have, we need to do even more this year to get money into the hands of taxpayers and to get the economy back on track.

I know there is an ongoing discussion about whether the best way to do this is to adjust the withholding tables as this bill envisions, or to issue checks directly to taxpayers. In the end, I think that whatever method best gets this into taxpayers hands—be it accelerated withholding, sending checks, or a combination of the two—is an imperative and I would urge the conferees to develop such a plan as they craft the conference report.

The fact of the matter is, the case for cuts has never been more compelling—it's an issue of our economic health and well-being, and it's an issue of fairness for the American taxpayer—who shouldered the burden of the debt and created the surplus in the first place.

As a percent of GDP, Federal taxes are at their highest level, 20.6 percent, since 1944—and all previous record levels occurred during time of war or during the devastating recession of the early-1980s, when interest rates exceeded 20 percent and the highest marginal tax rate was 70 percent.

The fact of the matter is, it would be irresponsible not to return a reasonable portion of the surplus—which is really just an overpayment in the form of taxes—to the American taypayer. And there should be no mistake—if we fail to pass a meaningful relief package, we will fail both working families and the economy upon which their work depends.

And let us not forget that this package is nearly 25 percent smaller than was proposed by President Bush in his budget. Let us not forget that it will utilize less than one-half of the projected surplus over the coming 10 years, 45.7 percent, excluding both Social Security and Medicare surpluses.

In fact, even with a $1.25 trillion tax cut over the coming ten years, we will still have about $1.5 trillion available for other priorities, including the funding of a new prescription drug benefit and additional debt reduction. Mr. President, this package is neither unreasonable nor irresponsible.

As to the issue that's been raised of ''backloading'' the tax cuts in this bill, as the chart behind me demonstrates, the structure of the tax package is phased-in to reflect the flow of surpluses projected to accrue over the coming ten years.

Specifically, during the first 5 years, when the non-Social Security and non-Medicare surpluses are smaller, the tax cut is also smaller. In later years, as the surpluses grow, the tax cut grows as well. The alternative is to phase-in the tax cuts more rapidly and dip into the Social Security and Medicare surpluses—not an option at all in my book.

Just as importantly, many of us fought hard to ensure that the benefits of this tax cut package will be weighted toward those who need relief the most—middle and lower-income taxpayers.

We have before us a thoughtful proposal that addresses concerns I, myself, had with the distributional effects of the original package. And it does so in a variety of meaningful ways—retroactively creating a new ''10 percent'' bracket . . . providing much-needed AMT relief for middle-income families . . . and ensuring marriage penalty relief for all couples while bolstering the Earned Income Tax Credit program by providing $22.5 billion over the duration of the package.

And we didn't stop there. The bipartisan education package that the Finance Committee reported in March is included in this bill, along with a new deduction of up to $5,000 for higher education tuition paid, and a new credit of up to $500 for interest paid on student loans—provisions that I have sought along with Senators TORRICELLI and SCHUMER.

With the cost of college quadrupling over the past 20 years—a rate nearly twice as fast as inflation—and with students borrowing as much during the 1990s as during the 1960s, 1970s, and 1980s combined, these provisions will provide critical assistance to individuals and families grappling with higher education costs.

It also includes the bipartisan IRA and pension package—introduced separately by Senators GRASSLEY and BAUCUS that will not only strengthen and improve access to pensions and IRAs, but also enhance fairness for women who frequently leave the workforce

during prime earnings years, and suffer from reduced retirement savings accordingly.

And finally, no package could truly be said to produce fairness without including a refundable child tax credit. That is why I worked with Senators LINCOLN, JEFFORDS, KERRY and BREAUX—as well as both the chairman and ranking member—to include a provision that builds on the President's proposal to double the $500 per child tax credit by making it refundable to those earning $10,000 or more, retroactive to the beginning of this year.

This is introducing a wholly new concept with respect to that child tax credit, and one that is most assuredly warranted. For the first time we will provide and expand benefits to minimum wage earners.

How will this help? In its original form, the tax relief plan would not have reached all full-time workers—the tax reduction would have disappeared for wage-earners with net incomes of less than about $22,000. Indeed, without refundability, there are almost 16 million children whose families would not benefit from the doubling of the Child Tax Credit. To give an idea of how many children we're really talking about, that is about twice the population of New York City or about 13 times the entire population of my home state of Maine.

Thanks to the changes we have made, the bill now provides a substantial tax credit to a total of 37 million families and 55 million children nationwide who might otherwise have gained no benefit from the proposal to simply double the per-child credit.

Many of these are families earning minimum wage, struggling to make ends meet in addition to paying their share of State and local taxes, payroll taxes, gasoline taxes, phone taxes, sales taxes, and property taxes. All told, the average full-time worker earning the minimum wage pays more than $1,530 in payroll taxes, and more than $300 in Federal excise taxes.

This is no small burden to working families already living on the fiscal edge. In fact, despite America's strong economy, one in six children live in poverty, and the number of low-income children living with a working parent continues to climb. My provision that is included in this bill to make the child tax credit refundable will give these families a hand up as they strive for self-sufficiency, and give these kids the hope of a childhood without poverty.

The partially refundable credit will provide a benefit of up to 15 cents for every dollar earned above a $10,000 per year threshold. In real terms, this year, a working family with one child and an income of $13,000 would be eligible for a refundable credit of $450; and a family with an income of $14,000 would qualify for the full $600 credit.

As tax reductions and the child tax credit are phased in over 10 years, the maximum allowable refundable credit will rise from $500 to $600 this year, increasing to $1,000 by 2011. Families with more than one child would also receive a refundable credit based on their income.

Will this tax relief solve all the financial problems faced by eligible families? No. But it will help to purchase essentials, like groceries, heating fuel, or electricity. And it sends an important message of encouragement that we want those who work hard and strive to improve their lives to succeed. Refundability shows that tax relief is for all full-time working families.

With these kinds of adjustments, we take a critical first step in ensuring that the balance of this package in its totality will help lower and middle income taxpayers.

In fact, in looking at the various analyses of the changes we made to the package, the Joint Tax Committee estimates that those earning less than $50,000 will see their share of Federal taxes drop from 14.3 percent under current law to 13.8 percent in 2006.

Indeed, the largest reductions in the effective tax rates will apply to those in the $20,000 to $40,000 range. Conversely, in 2006—the fifth year of implementation—the share of federal taxes paid by those with incomes of $100,000 or more will increase from 58.4 percent to 59 percent.

Moreover, as a result of the refundability of the child tax credit, according to Joint Tax, those in the $10,000 to $20,000 income range will see their share of federal taxes reduced from 1.5 percent to 1.3 percent—a reduction of $3 billion. And by 2006, this level is down to 1.1 percent.

If you look at upper income brackets, and I know there are those who still have concerns with the top one percent, according to Citizens for Tax Justice, this gives 19 percent of tax cuts to the top one percent who pay 37 percent of taxes, as opposed to 31 percent in the President's original package.

And in terms of the overall package, it is worth noting that creation of the new 10 percent bracket alone accounts for $438.6 billion, while reductions in all other brackets amount to $397.3 billion—that's 52 percent of the cuts going to the lowest bracket, with 48 percent going to all others.

At the same time, the share of federal taxes paid by those with incomes of $50,000 to $100,000 will fall from 27.3 percent to 27.1 percent—and from 14.3 percent to 13.8 percent for those earning under $50,000. So yet again we've seen a shift in the weighting of the bill away from benefits for the higher income brackets.

As for the compromise we developed that results in a reduction of the uppermost bracket from 39.6 to 36 percent, it is worth noting that many individuals in that bracket are small business owners whose business-related income is taxed as personal income.

According to the Treasury Department, in 2006, 63 percent of the tax returns that would benefit from reducing marginal rates in the top two brackets would be reporting some income or loss from a business. And in my home state of Maine, for example, about 97 percent of all businesses are small business.

The reality is, small businesses have played a central role in our nation's economic expansion. From 1992 to 1996, for example, small firms created 75 percent of new jobs—up 10.5 percent—while large-company employment grew by 3.7 percent. So why—when we're talking about such a tremendous impact on individuals and the economy . . . when the top corporate tax rate is 35 percent—why should we continue making small business men and women pay so much more?

I think the American public often thinks about tax cuts the way they would think of winning the lottery it would be great if it really happened, but it in reality it really only happens for ''the other guy'' . . . that tax cuts will only apply to someone else . . . and if they do happen, they'll be so small as to have no appreciable effect on everyday life.

Well, the American people should know that this tax cut applies to everyone, and especially those who could use the break the most. And that's true not just on paper, but in reality—in the real world.

For example, a married couple with two children and $15,000 in income will pay no income tax. They will receive $4,008 from the earned income tax credit—an increase of $402—and a benefit from the expanded per-child tax credit of $600. That is over $1,000 extra in their pocket—that's going to mean a lot to that family making $15,000 a year.

The point is, this is no phantom tax cut—this is real, this is balanced, and this is fair. And what this all comes down to is, if you are really serious about cutting taxes, you should support this package that begins the process of providing some relief given, once again, the status of our economy and the tax burden on the American people.

We know we are never going to get unanimity on an issue of this magnitude. But we can have progress and we can come to some kind of consensus. This package represents a bipartisan effort that, in the aggregate, is good for our future and good for the American taxpayer today. And it deserves our support.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—62

Allard	Feinstein	McConnell
Allen	Fitzgerald	Miller
Baucus	Frist	Murkowski
Bennett	Gramm	Nelson (NE)
Bond	Grassley	Nickles
Breaux	Gregg	Roberts
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Carnahan	Hutchison	Smith (OR)
Chafee	Inhofe	Snowe
Cleland	Jeffords	Specter
Cochran	Johnson	Stevens
Collins	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
DeWine	Lincoln	Torricelli
Domenici	Lott	Voinovich
Ensign	Lugar	Warner
Enzi	McCain	

NAYS—38

Akaka	Dodd	Lieberman
Bayh	Dorgan	Mikulski
Biden	Durbin	Murray
Bingaman	Edwards	Nelson (FL)
Boxer	Feingold	Reed
Byrd	Graham	Reid
Cantwell	Harkin	Rockefeller
Carper	Hollings	Sarbanes
Clinton	Inouye	Schumer
Conrad	Kennedy	Stabenow
Corzine	Kerry	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	

The bill (H.R. 1836), as amended, was passed.

Mr. LOTT. Mr. President, I move to reconsider that vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, parliamentary inquiry: Do we have an agreement to be in morning business?

The PRESIDING OFFICER. Yes. If the leader will permit. under the previous order, the Senate insists on its amendments and requests a conference with the House of Representatives.

Under the previous order, the Chair now appoints Mr. GRASSLEY, Mr. HATCH, Mr. MURKOWSKI, Mr. NICKLES, Mr. GRAMM of Texas, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. BREAUX conferees on the part of the Senate.

Mr. LOTT. Mr. President, even though the distinguished managers of this legislation have just left the Chamber, I want to say once again, as I have earlier, I think we should congratulate our two managers, the chairman of the Finance Committee, Senator GRASSLEY, and the ranking Democrat on the Finance Committee, MAX BAUCUS. They have done yeoman's work. There are a lot of us who say that the chairman and ranking member of committees should always reach out and try to work together and find a way to have a bipartisan agreement. In this case, these two gentlemen have done it.

Perhaps there is not a total happiness with their agreement on either side. But this is the way it should work. I think they have come up with a good package and they should be commended. We didn't set a record with a number of votes on a package of this nature, but we did do 54 votes on amendments. We went through a lot of hours, having votes basically every 15 minutes. We stayed right with it. They are exhausted, but they are also exhilarated, as they should be, because this is a real good day's work.

I know this legislation is going to be good for America, good for job security, and economic growth for working families of America and for their children. It does have the core components the President asked for but also other areas, such as education, pension savings, and the alternative minimum tax.

So they have done good work, and I am glad we have passed this tax relief package. They now have to go to conference and that, too, will be a challenge. I am sure they are up to it, and they are going to work to make sure the interested parties in the House and the Senate, on both sides of the aisle, are included.

So this has been a real lift to get it completed. I know it has been difficult on both sides of the aisle. I know Senator REID has been here through the long hours—12 hours, I believe, yesterday alone. Senator DASCHLE and I talked many times to try to find a way to bring it to a conclusion. We have been able to achieve that.

The vote speaks for itself; 62 Senators voted aye for tax relief for America. I am very happy that this hurdle has been jumped and now we go to the final stage.

With that, I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to make a few comments about the tax bill. Let me first begin by congratulating the distinguished chairman and the ranking member. While I differ with the outcome, I certainly do not differ with the manner in which they worked together. I appreciate the bipartisan spirit in which they worked, and I hope we can see more of that in the future.

I do hope we can see a different result in the future as we face these critical questions. I believe with all my heart that we will regret the day this passes and is sent to the President for his signature. I think we will regret it, in part, because it is based on projections that are very faulty. We will not realize a $5.7 trillion surplus. I think we can predict that safely. We also recognize that, with the uncertainty of the budget and all of the economic conditions that we will face, to commit to a tax cut of more than $4 trillion in its entirety over a 10-year period of time is not in keeping with the fiscal responsibility that we have all said we are so proud of—the fiscal responsibility that actually brought about surpluses over the course of the last 3 years.

So our first concern has been, and continues to be, that it is based on faulty projections. Our second concern is that it will crowd out all other priorities that we hold, in some cases, in both parties. We say we are for reducing the public debt. I believe that as a result of the passage of this legislation there will be no further reduction of public debt. We all have indicated a willingness to support prescription drug benefits. I predict that as a result of this we will be told we can't afford prescription drug benefits.

We all indicated that we advocate strongly protecting Medicare and Social Security. This bill will force us to tap into the Medicare fund, the Social Security fund, and deny the protection and the kind of viability in those trust funds that we have counted on these last several years. This bill will not allow us to provide the kind of resources for investment in education that we have all said is important to both parties and this country. So across the board, this legislation crowds out and, in some cases, eliminates our opportunity to address America's priorities in a balanced and meaningful way.

The third concern I have is one of fairness. We can do better than this. We ought to do better than this. When we provide a third of a $4 trillion tax cut to the top 1 percent, a third to the next 19 percent, and a third to the bottom 80 percent, that doesn't say much about the balance and our sensitivity and empathy for working families all across this country.

There is only one group of taxpayers who will not receive any marginal rate reduction in this bill, and that is the 72 million taxpayers who will still pay the 15-percent rate. That is wrong. We ought to do better than that. We ought to be sending a clear message that we understand they deserve a tax rate cut like everybody else. But that is not what this bill says. So I am concerned about the fairness. I am concerned about the imbalance that this legislation represents.

Mr. President, for all of those reasons, I regret the fact that we passed this legislation today with the vote that we did. I suspect we will be back addressing budgetary and other implications for many years to come. I hope in the future we will remember our promise, our commitment to fiscal responsibility, our commitment to the other issues that we have all said are important not only to us, but to the country. I hope, in a bipartisan way, our judgment in the future will reflect those commitments more accurately than the one we have just made today.

I yield the floor.

MORNING BUSINESS

A PROCEDURAL TRAVESTY

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

Mr. HOLLINGS. Mr. President, just a couple words. The fact is, Mr. President—and I speak advisedly—this is a travesty; it is a travesty economically and, more than that, a travesty procedurally with respect to the Senate. I speak as having served on the Budget

Committee since its institution—and as having been its chairman—and I have never seen such a gross abuse of the process.

Specifically, Mr. President, in 1993, which has been compared by the present chairman of the Budget Committee to the action just recently on the floor, in 1993, President Clinton presented his budget. We had hearings on that budget, and we had a markup within the Budget Committee under the rules. There were some 30 votes—and 1 more vote for final passage. Thereafter, when we brought it to the floor of the Senate, we had an additional 52 votes on amendments. Compare this with the majority leader's bragging now about 54 votes—like that was really a task.

The truth of the matter is we didn't get to reconciliation until August. At that particular time, they were really gloating with glee at the passage of the bill and reconciliation, stating that when we increased taxes on Social Security, they were going to hunt us down in the street like dogs and shoot us. They said, when we passed that bill, it was going to cause a depression. The distinguished chairman of the Finance Committee, Senator Packwood, said if this procedure worked back in 1993, which we voted for without a single Republican vote either in the House or in the Senate, that he would give us his home downtown here in the District. And Congressman Kasich, later chairman of the Budget Committee on the House side said, if this thing worked, he would change parties. I want to be a good memory.

I will never forget a conversation once with Bernie Baruch, when he talked about President Truman. He said Truman had a good memory, but he said he had a good, bad memory. That crowd over there has a good, bad memory for the simple reason that they know it is an abuse. They rammed it. Instead of the President presenting a budget, we in the Budget Committee went through make-work hearings—just blather. They could not hear on the President's budget because the President would not submit it.

Of course, when we debated the so-called budget on the floor of the Senate, it was merely a tax cut. It wasn't a budget. The President had yet to submit his budget. It had not been submitted when they voted on it in the House; it had not been submitted when they voted on it in the Senate.

Then, of all things, we did get appointed to the conference committee—only to be told: Get out, we are not going to confer. So we got out.

Then, of all things, they abused the reconciliation process, bringing the tax bill to the floor—not to reconcile, not to lower the deficit, as was intended—and I know because I helped write it—the reconciliation process was used as an abuse to ram it. I know of one Parliamentarian who said it could not be used that way, and then I know of that same Parliamentarian who changed his mind. Oh, yes. Anything to go along and ram it through and give us the bum's rush, and then have the unmitigated gall to call us bums. They have been putting it out that we are just delaying and delaying. But we're not delaying. This is our first opportunity on this bill to financially discuss education, housing, defense, which are all important matters; we are trying to get some break in this bum's rush from leadership.

When I turned on the Republican Policy Committee's channel, channel 2, they said, ''Votes will continue ad nauseam.'' The votes were just nauseous. I have never seen such arrogance. I have been here 34 years, and it is the worst that we have ever experienced. I can tell you that.

But, more importantly, Mr. President, this is a travesty economically. Of course, they make no bones about it. When we did increase Social Security taxes, they complained, but you don't find a decrease of Social Security taxes now. When we increased the gasoline tax, they complained, but you don't find a decrease of the gasoline tax now.

You do not find anything in this bill for working Americans only paying payroll taxes. Instead, they are indirectly increasing the burden on these people by giving everyone but them relief and taking away Government resources.

We approached the budget process in 1993 in a very deliberate fashion. We said: Look at these rising deficits in the national debt and the interest costs on the debt. In 1992, President Bush ran a $403.6 billion deficit. Ergo, the Government was spending over $400 billion more than it was taking in, and, yes, we are for tax cuts.

I have been in politics for a long time, and I have not found a politician yet who was not for tax cuts. But we said the way to give a better tax cut was to lower these long-term interest payments. Alan Greenspan can play around with the short term, but only the fiscal policy of this Senate can change the long term.

In the 1993 package, we downsized the Government by reducing the federal workforce by almost 300,000; we cut spending by $250 billion; and we increased taxes by slightly less than $250 billion—and it resulted in the greatest prosperity in the history of the entire Nation for an 8-year period.

The reason why the present President Bush cannot sell tax cuts—he has been to over half of the States in America trying to sell them and giving us the bum's rush—is because the people know, the financial markets know, the bankers know, the automobile salesmen know that government borrowing will explode, and everybody is uptight.

This is not a wonderful thing that has occurred in this Chamber and to be congratulated. Economically, it is a travesty. We did it before in 1981. Yes, we picked up 38 votes today. We only had 11 votes then. We had one Republican, Mack Mathias of Maryland, but we did have, as they call now with even one vote—we had a bipartisan opposition. I say that with tongue in cheek, but that was all, just 11 votes, against so-called Reaganomics which the first President Bush called voodoo. Now, Mr. President, you have voodoo II.

There is no education in the second kick of a mule. That first kick within 4½ years put the economy into the dumps. That is when we had no resources and we were trying to hold on, and we were cutting spending under President Reagan.

I know, yes, during the Reagan administration we increased defense, and I supported those increases. But after eight years of Reagan's domestic cuts and four years of cuts under President Bush, we ran enormous deficits because of the $750 billion revenue loss from the Reagan tax cut.

Now we are on course for at least a $1.35 trillion tax cut, but they say after the alternative minimum tax, after the interest costs, that this ought to be in excess of $2 trillion, compared to $750 billion.

There it is. We passed the bill and everybody is going to champion it. We have agreed on this side that it will be conferenced and it will go to the President, but let's not have a third kick of the mule, with more of these coming across the deck as if we had the resources.

Look at the public debt to the penny today on the Treasury Web site and you'll see that currently we are running a $19 billion surplus. However, this tax cut means at least $10 billion in lost revenues this year—with defense, under Secretary Rumsfeld, asking for an additional $10 billion, and agriculture, $10 billion. Then, June comes and we make the big interest payments to the trust funds, the likes of $79 billion. Instead of bringing Government back down to the black, like under the Democrats with President Clinton for 8 years, we are now starting back up today with this vote. Somewhere in the CONGRESSIONAL RECORD there ought to be registered that what we have done, in essence, is increased taxes and not lowered them because we are going to increase the debt and we are going to increase the interest costs, already at $366 billion, which are taxes for nothing.

If I pay a gas tax, I get a highway. If I pay a sales tax, I get a schoolhouse. If I pay interest taxes, just profligacy, absolute waste.

I will never forget last year when President Clinton was giving his State of the Union Address, the distinguished majority leader remarked: That man is costing us a billion dollars a minute. He talked for an hour and a half. That was $90 billion.

President Bush wants to cut taxes $90 billion a year. We can pay for the Clinton and the Bush programs, $180 billion, and still have $186 billion left over

to increase defense, to increase research at the National Institutes of Health.

We are spending the money, and no one is talking about it. We are not getting anything for it.

In 1968–1969, when we balanced the budget last under President Lyndon Johnson, the interest cost was only $16 billion. We have increased the interest costs without the cost of a war incidentally—$350 billion a year. We cannot afford it.

When the Budget Committee meets, first, before we tackle defense and anything else in the budget, we have to immediately spend $366 billion. The economy is cool, people are not going to be able to save enough money to send their kids to college, they are not going to make their house payments, and we in the Government are thinking that what we have done is really good—the Government is too big, the money belongs to the people and all that childish gibber.

Come on. What we have done has, by gosh, sidelined the people and sidelined this Government and, in essence, politically bought the vote. I do not know where my friend Senator MCCAIN is, but he ought to hasten to the Chamber because the biggest campaign finance abuse has just been voted through the Senate. The majority has bought the people's vote because they would not go back home and explain to the people what is going on here. They went along with the singsong—the money belongs to the people, surplus, surplus, surplus.

We cannot find a surplus. We have not had one in 40 years, and we will not have one this year, and if anybody believes differently, tell them to come see me and we will make the bet and give them the odds. I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Florida.

THE RELIEF ACT

Mr. GRAHAM. I thank the Chair.

Mr. President, I voted no on the tax bill that passed the Senate. I recognize there are some positive provisions in that legislation. I will speak to two of them. One was in the area of education. There were a number of features which will make it easier for families to send their children to college, the provisions which will make it easier for local school districts to finance the construction of new and to rehabilitate older school buildings. Those are positive features. I also had supported the provisions that dealt with estate tax reform by raising the level of the exemption; that is, the amount of dollars one can exclude before a person calculates the estate tax obligations. By raising those exemptions, we have substantially diminished the number of Americans who will pay any estate tax.

On the whole, I found much more that was disturbing, much more that I considered to be a failure of vision, than I found to be worthy in this legislation. I hope I am wrong. I hope the comments I am going to make prove to be inaccurate in the history we will write in the aftermath of this legislation. Frankly, my experience leads me to doubt that I will be wrong.

I believe in life we are constantly forced to make choices. Those in politics like to avoid making choices. We are very good at telling people what we think they want to hear, even if the cumulative effect of all the things we have told the people we want is incompatible.

For instance, most Members have told the people we want to strengthen Social Security. Most Members have told the people we want to strengthen, reform, and add a prescription drug benefit to Medicare. The fact is, I believe what we have just done is going to make it impossible to deliver on either of those commitments. I hope I am wrong, but I doubt it.

I believe while what we say is not necessarily a true reflection of our choices, how we spend our money is a true reflection of how we will make our choices. I believe there was a metaphor earlier this morning. We had before the Senate legislation that would have provided substantial assistance to individual Americans and American families in dealing with the reality of the aging of our population. One of the lessons of many that we learned from the 2000 census is that America is getting older. I know that well from my own State where almost 19 percent of our population is over the age of 65 and where an increasing percentage of our population is over the age of 85.

Florida is a State of the future. The United States of America will be like Florida in another generation. Yet with the legislation that would have provided immediate assistance to families that were rendering care to an elderly grandparent, an elderly uncle or aunt, some loved one in the family, or to those Americans who are thinking about their own future and are considering the purchase of long-term care insurance so they will not be a burden on their children and grandchildren when they reach advanced age, we had a choice: We could have voted for an amendment that would have made a substantial commitment of the Federal Government to encourage and recognize those kinds of sacrifices, or we could have maintained for a 3-year period the structure of the bill which provides one-third of the tax benefits to 1 percent of the American people.

We would have been asking the 1 percent of the most affluent Americans to have slightly deferred a portion of the benefits from this legislation in order to have been able to pay for substantial incentives for tens of millions of Americans to prepare for their today or future consequences of aging.

I regret to say we chose when we made a decision today. The decision was, it was more important to provide that benefit for the 1 percent of the most wealthy Americans than it was to assist tens of millions of Americans to prepare for their aging families and for their own future. I think that is a real choice that demonstrates real values. Frankly, I am disappointed the Senate made such a selection of values.

Analyzing this bill, I say it fails on three counts, which can all be denominated through the calendar. It failed on a long-term basis; it failed on a short-term basis; and it failed today.

On a long-term basis, there is no greater challenge facing this Nation than the one which that amendment to which I just alluded represents; that is, the aging of America. When Social Security was established in the 1930s, for every person who was in retirement in the United States or was of retirement age, we had some 15 to 20 active people in the labor force, people who were providing the means by which those older Americans of the 1930s could be supported. In just a few years, when the large number of Americans born immediately after World War II reach retirement age, we will be down to fewer than four working Americans for every person retiring.

We have contracts outstanding called Social Security and Medicare Part A hospitalization. These are contracts for which Americans are paying every time they get their paycheck. They look down at the allocation of the dollars they have just worked hard to earn and they see the subtractions. A big part of those subtractions of the dollars is taken out of every paycheck for Social Security. Another part of those subtractions is the part taken out of every paycheck for the hospitalization component of Medicare.

Why are Americans tolerating this reduction from their immediate income? They are tolerating it because they have confidence in the contract which exists between them and the U.S. Government. That contract is that once they reach the age of eligibility for Social Security and Medicare, the services for which they are paying every paycheck are going to be delivered. It is going to be our challenge to see that those contracts are maintained.

Today we are not in a position to say with confidence that those contracts will be able to be honored because both the Social Security trust fund and the Medicare hospitalization trust fund, by any actuarial standard, are seriously under water.

We had an opportunity this year, an opportunity unique in the history of this country with the enormous economic growth and surpluses it has brought, to be able to say to the American people that for the next three generations we will place ourselves in a position to honor those contracts. From now until the year 2075, we will be in a position to say we have the resources, we have made the proper preparations to honor our contractual responsibilities. We would have started that by an aggressive program to pay down the national debt so that as we

entered the period of greater demands on Social Security and Medicare, we would have been in the best possible national financial position. We would have done it by supplementing the funds going into the Social Security and Medicare trust funds with a portion of the savings in national interest, about which Senator HOLLINGS spoke so eloquently, that we are going to gain because we are paying down the national debt. A portion of those savings should have gone to strengthen the Social Security and the Medicare trust funds.

The decision we made a few minutes ago by passing what I consider to be an engorged, excessive tax bill will deny us the opportunity to pay down the national debt as fully as we should. We will miss the mark by approximately $750 billion to $1 trillion in the next 10 years—what we could have done to have strengthened our Nation's finances. We are not going to be in the position to make the kind of investments for these trust funds for Social Security and Medicare that we should have made.

I hope I am wrong. I hope I am unduly pessimistic. But, frankly, I doubt that I am.

So we have failed the calendar in the long run. We have also failed the calendar in the short run.

If there is a phrase we have heard too much of in the last few months and have honored too little, it is the phrase ''economic stimulus.'' What would happen if the economy, after a long run of booming, expanding economic growth, suddenly began to turn soft and unemployment levels reached a level we had not seen since the early 1990s?

We all read about substantial layoffs in companies that we thought were invulnerable to those kinds of economic reversals. We have seen the stock market first decline, then come back, then generate a level of uncertainty, unpredictability. All those things were signals of an uncertain but potentially seriously declining economy. So we said: Let's buy an economic insurance policy. Let's not just rely on what the Federal Reserve Board can do with short-term interest rates. Let's adopt a fiscal policy that will help stimulate the economy.

We turned to some of the best experts in the country. They said what the Congress could do would be to give an immediate tax cut to the American people, target that tax cut at those Americans who were most likely to spend it because the essential diagnosis of this economic softening is on the demand side. People are losing confidence in their own economic futures and therefore are less willing to make that downpayment for a new refrigerator, are less willing to buy a new pair of shoes for the children, less willing to plan for a vacation in Florida.

We want to reverse those senses of insecurity and give them an immediate sense of confidence, both by putting more dollars in their pockets as well as giving them a sense that they will have a greater stream of funds available to them to meet their family needs into the future.

So plans were developed for a serious economic stimulus right here on the Senate floor. We will all recall it was not very many days ago that we voted for an $85 billion economic stimulus in the year 2001—$85 billion. What was the economic stimulus in the bill we just passed? Less than $10 billion—anemic, pathetic, not worthy of the phrase ''economic stimulus.''

So I hope I am wrong. I hope some of the signs we have seen in recent days that maybe the economy is turning around will prove to be a harbinger of a bright summer for America. We all hope so. But just as a person might hope their house doesn't burn down, that still doesn't keep them from buying fire insurance so, in the unlikely event it does burn down, they will have some dollars to start the rebuilding process.

Mr. President, I ask for an additional 5 minutes.

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

Mr. GRAHAM. We should be buying an economic insurance policy against the possibility that the bright summer may turn into an arid fall. In the short term, on the No. 1 economic issue facing America, in my judgment we have failed. I hope I am wrong but I doubt that I am.

On the calendar, we failed in the long run; we failed in the short run; we have even failed today. This bill has too much of what I would call bait and switch, where you say this is what you are going to get done. Then when the actual product arrives it is something different.

We have said $1.35 trillion is going to be the outer limits, outer perimeters of tax cuts—not for May of 2001, not even for the year 2001, but for the next 11 years. We have just committed the totality of what we have said is a prudent amount of tax cuts for the next 11 years. Yet at the same time we said that, we had over half of our Members willing to vote to add $50 billion more, beyond the $1.35 trillion, in a debate earlier this morning.

We know we are soon going to get a recommendation from the President and the Secretary of Defense for substantial increases in what it will cost to defend America. Senator MCCAIN of Arizona spoke fulsomely about that yesterday. Yet no dollars are in our economic plan for that assured request for additional spending on national defense.

We know we are going to have to spend some more money on Social Security, either the way I suggested, by paying down the debt and putting some of the savings of interest costs directly into the Social Security trust fund, or even a way I do not happen to support but at least it is a way, and that is to begin the process of partial privatization of Social Security. There is a $1 trillion cost over the next 10 years to implement that plan. There is no money in the budget plan to do either of those.

We have had a number of areas in the Tax Code where it is clear we are going to have to have some additional funds. If we do nothing but pass the bill that has just left the Senate, we are going to increase the number of Americans who have to pay the alternative minimum tax from today's approximately 1.5 million to almost 40 million 10 years from now. That is not going to happen. We are going to find some way to moderate the effect of the alternative minimum tax, and that is likely to have a price tag of $200 to $300 billion. Not a penny of that is provided for.

We also know there are going to be a number of extenders required. Extenders are tax provisions that are in the code but only for a short period of time. One of those we passed today, which was to provide an expanded deductibility for families who pay tuition for their child to go to college. We start it in a couple of years and then end it 3 or 4 years later. The reality is we are not going to end it 3 or 4 years later. Once we commence this program of allowing deductibility of the cost of college tuition, which is a good idea, we are going to continue it. Yet we do not have the resources in this budget for that known reality with which we are going to contend.

Today we are poking a very sharp stick in the eye of our fellow Members of this federalist system. Without any consultation, without any consideration of the impact that it will have on their ability to meet basic obligations such as to educate our children, we have just taken $10 billion a year out of the budgets of our 50 State partners in this American system of federalism. Half of that money is going to come out approximately beginning the first of January of the year 2002, well into the budget year that most States will start as of July 1 of this year, running until June 30 of 2002. In the case of my State, our Governor has indicated he is going to have to find somewhere in the range of $150 to $200 billion in the next period to pay for the hole we have just created in his budget beginning in January of 2002.

So by the long-term calendar, the short-term calendar, or today's watch, this is a deficient tax bill. It is a deficient fiscal plan. I hope I am wrong. I hope America will be strong enough, resilient enough to avoid the kind of difficulties we have just given them as our legacy of action today.

I hope I am wrong. But, frankly, I doubt that I am.

The PRESIDING OFFICER (Mr. CAPO). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent to proceed for 10 minutes.

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

Mr. CONRAD. Mr. President, we have just passed a massive tax cut bill. I opposed that legislation. I opposed it because I believe it is fiscally irresponsible. It is not just a conclusion that I reach, but the New York Times said that overall it amounts to another gross abdication of fiscal responsibility. I wish that were not the case. I wish we could have passed a tax cut that I could have supported.

I proposed a tax cut of $900 billion in the context of a budget resolution that would have preserved every penny of the Social Security surplus for Social Security, every penny of the Medicare trust fund for Medicare, that would have taken the remainder and divided it in thirds: One-third for a tax cut; one-third for high-priority domestic needs, including a prescription drug benefit, money to strengthen our national defense, and resources to improve education. And even with that additional funding for domestic priorities, we would have continued to reduce the role of the Federal Government.

This $900 billion plan was not a tax-and-spend proposal. It would have continued to take down the role of the Federal Government from 18 percent of our national income to 16.5 percent of our national income—the lowest level of Federal spending as a share of our national income since 1951.

Then, with the final third, we would have used that money to strengthen Social Security for the future because we know it is not enough just to save the Social Security trust fund money for Social Security. We also need additional resources to strengthen Social Security for what is to come because every Member in this Chamber knows, when the baby boomers start to retire, the story changes from surpluses to deficits.

One reason I believe this bill is fiscally irresponsible is that it is back-end loaded. It goes from a $1.35 trillion tax cut in this decade to a $4 trillion tax reduction in the second decade, right at the time the baby boomers begin to retire.

I predict now that what we have put in place today will not stand. It will not stand because it is part of an overall budget approach that does not add up. It is going to have to be changed.

I opposed this bill not only because it is fiscally irresponsible, but because it is fundamentally unfair. The top 1 percent of income earners in this country, people who, on average, earn $1.1 million a year, get 33 percent of the benefits. Contrast that with the bottom 60 percent of American taxpayers who get half as much. That does not strike me as fair.

Additional evidence of unfairness is contained in what was done in the rate reductions that are part of this legislation.

We have five income tax brackets in current law. This bill would reduce the rates for four of the five brackets. The one bracket that would get no rate relief is the bracket that applies to the vast majority of the American taxpayers. Seventy percent of the American taxpayers are in the 15-percent bracket, and they get no rate relief, none. I do not know how one justifies that.

In addition to that—in addition to being fiscally irresponsible, in addition to being unfair—this bill flunks the test of stimulus. The senior Senator from Florida made the case, I think, very powerfully and very persuasively. We know the economy is weak now. We ought to provide fiscal stimulus now. Fiscal stimulus can be in the form of either tax reduction or expenditure. But what did we do? We have only $10 billion of fiscal stimulus in this year. In the Senate, we passed $85 billion of fiscal stimulus for this year. Somewhere the vast majority of it got left on the cutting room floor. It makes no economic sense. You provide fiscal stimulus when the economy is weak. And the economy is weak now. We ought to provide fiscal stimulus now. This bill does not do it.

The final point I want to make is on the alternative minimum tax because currently only 1.5 million—actually somewhat less than 1.5 million—taxpayers are affected by the alternative minimum tax. That is something we passed years ago to make certain the super rich did not avoid taxes altogether. Now we are going to see, under this legislation, nearly 40 million people affected by the alternative minimum tax.

As I have said before, boy, are these people in for a surprise. They thought they were getting a tax reduction, and they are going to wake up and find that not only do they not get a tax reduction, they are getting a tax increase. Under the bill passed today more than 1 in every 4 taxpayers in America are going to be swept up into the alternative minimum tax.

This is not going to happen. It is not going to happen because it cannot happen, just like much of the rest of this bill is not going to happen. It is not going to happen because it is part of an overall budget that does not add up. That is the unfortunate reality of what has happened today. It is part of an overall budget plan that simply does not pass the fiscal responsibility test. I regret that.

I think we could have passed responsible tax reduction, tax reduction that is fair, that is weighted more toward middle-income people in this country than toward the wealthiest among us. And I want to be quick to say, I have nothing against those with great wealth. That is a great opportunity that exists in America. That is part of what makes this country economically strong. But when we are taking the people's money, we have to make judgments about where it should go.

I do not think it is fair to take the people's money and give a third of what is provided for in this tax cut to people who, on average, are earning $1.1 million a year. That is not fair. That is not right. I especially do not think it is fiscally responsible to put in place a tax cut of this magnitude in light of the obvious flaws in the budget that serves as a basis for it.

That basis is a 10-year forecast, a 10-year projection that everybody in this Chamber knows is not going to come true. Even the people who made the forecast say it is not going to come true. They wrote an entire chapter in the book saying there is only a 10-percent chance it is going to come true; a 45-percent chance it is going to be less money. That forecast was written 10 weeks ago, and since then the economy has weakened.

This is unwise. This is not the way we ought to do business. We ought not to lock in a 10-year plan based on a 10-year projection whose makers tell us is highly unlikely to occur. It makes no sense.

This Congress meets every year. We should have passed a more modest tax cut and reserved more money for long-term and short-term debt reduction, so we could be certain we are keeping on course to reduce this national debt.

Unfortunately, the gross national debt of the United States will not be reduced at the end of this 10-year period. It will not be. According to the Congressional Budget Office, the gross debt of the United States is going to be increased under this 10-year plan, from $5.6 trillion today to $6.7 trillion 10 years from now.

That is an increase in the gross indebtedness of the United States. That is not the direction we should be taking.

We ought to have embarked on a policy not only to pay down our short-term debt, the publicly held debt that is paid down under this scenario, but to pay down our long-term debt, our gross debt.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as in morning business for 10 minutes.

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

Mr. BAUCUS. Mr. President, I thank all Senators for their patience and for their goodwill. This has not been easy. This has been a debate that has been conducted under difficult circumstances. I thank Senators. I commend them. Some were justifiably frustrated, as I was, at the short time constraints of this process. But I think, by and large, we have conducted this debate in a dignified way, and I deeply appreciate that.

I most especially thank our chairman, Senator GRASSLEY. He has reached out with me to craft a very fair, bipartisan compromise. He has made all the difference in the world.

I especially thank the assistant Democratic leader, Senator REID. He has been at his post throughout the debate, keeping us on track. I deeply appreciate his fairness, his ability. We

were able to pass this bill fairly expeditiously in large part because of the efforts of the Senator from Nevada.

Let me turn to the bill and make the case one more time. Some Senators might say—and they have said—that the tax cut is too large. With deepest respect, I say to those Senators that that issue has been decided in the budget resolution. I also note that we have added a ''circuit breaker'' to this bill. This provision allows us to make changes to the tax cut if our budget targets are not met.

Some will say the tax cut is unfair. I disagree. This tax cut is very fair. I take issue with many of the statements made on the floor. Some are not entirely accurate.

In the first place, our tax cut is much more fair on a distributional basis than the President's proposal. But forget about the President's proposal for a minute and compare it with current law. If you set aside changes to the estate tax, which virtually every Senator supports, this bill is significantly more progressive than current law. Taxpayers earning less than $100,000 will pay a smaller share of the overall tax burden. Taxpayers earning more than $100,000 will pay a larger share of the overall tax burden. In other words, we make the income tax more progressive, not less. Our income tax system is made more progressive compared with current law, not less.

Let me also remind Senators of some provisions of the bill that are very important. We create a new 10-percent bracket that replaces part of the 15-percent bracket in current law—the single largest piece of the bill. It cuts income taxes for every American who pays income taxes, including everyone in the 15-percent bracket, and it reduces the marginal rate from 15 percent to 10 percent for 19 million low-income taxpayers. That is a rate reduction of one-third.

We double the child credit, and we make it partly refundable. Thirty million families get a higher child tax credit. For 10 million, the credit is refundable.

We expand and simplify the earned income credit. This will help 4 million low-income working families. We include a $35 billion package of education incentives, including a new provision that makes up to $5,000 worth of tuition payments deductible. We expand IRAs; we expand 401(k)s. We create new incentives to help low-income earners save for retirement. We reduce the marriage penalty to the benefit of 40 million couples and, of course, we address the estate tax.

Of course, this bill is not perfect, but it is balanced. It is bipartisan. It is good for taxpayers. It is good for working families, and it is good for the economy. It is good for the country.

Now comes the conference. That is going to be difficult. We want to come back with a bill that is balanced and that is fair; that is, a bill very close to the Senate position. After all, the Senate is 50/50, and it is going to be difficult to come back with a conference report that gets at least 51 votes in the Senate. We will be more likely to attain that the more it adheres to the Senate position. A strong vote for final passage will certainly strengthen our hand, and we did receive a strong vote of 62 Senators.

I respectfully ask my colleagues, especially on this side of the aisle, for their forbearance and for their help as we work on, and work to adopt, the conference report.

I add my deepest thanks and gratitude to the people who did the real work; that is, our staff.

I will begin with John Angell, who is the Democratic staff director, Mr. Calm and Collected, keeping things all nice and even when otherwise people are frenetically running here and there. That is what a good staff director does. Democratic staff director John Angell filled that bill. Mike Evans, deputy staff director, he is our ''points of order'' guy. He knows more about Senate rules or at least as much as the Parliamentarian. I might say, I deeply relied on him as we worked out points of order. Then there is Mr. Everything, Mr. Russ Sullivan, chief tax counsel. Russ knows this Code as well as anybody I can think of. He is out negotiating. He is advising me. He is helping put amendments together. He has done a heck of a job.

Cary Pugh is our amendments maven. She was making sure all the amendments were worked out and in order. Pat Heck is Mr. R&D and knows that subject more than I care to admit. Maria Freese handled our estate tax matters as well as pension provisions. Mitchell Kent really has helped so much in crafting the child care provisions of the bill, one heck of a job.

We have our Brookings fellows: Luis Rivera and Frank Rodriguez, my thanks to them. Our law clerks: Jonathan Selib and Todd Smith. Jonathan came to work for us last Monday—his baptism by fire. He has worked so hard, such late nights, as has everyone. My deepest thanks to them. They are not getting paid.

Our office manager, Josh LeVasseur, has done a heck of a job. Josh is sort of our home base manager. He keeps our office organized. Our office assistant, Jewel Harper, is always upbeat, always cheerful. And our interns: Lindsay Crawford; Emilie Klein; and Annabelle Bartsch, who has been a numbers cruncher; she did one great job. Our ''budgeteer,'' Alan Cohen. Alan knows more about debts and budgets than I care to admit. Liz Fowler, our chief health counsel, has helped so much with health matters. Tom Klouda, who works on Social Security. And then, of course, Michael Siegel in my personal office has done a super job dealing with the press, and many others in my personal office.

I also commend Senator CONRAD's Budget Committee staff. Senator CONRAD has had about six or seven staff on the floor at all times, probably to carry all those charts he brings over here. I don't know anybody who has more charts than the Senator from North Dakota. They have been very instructive, very helpful.

There is the staff of the Joint Committee on Taxation. They are the ones who really are not honored enough and do so much work. And I thank the entire floor staff and all the pages.

On the other side of the aisle, I thank Kolan Davis, Mark Prater, Dean Zerbe, Elizabeth Paris, Ed McClellan, Diann Howland, Brig Pari, Leah Shimp, Jeanne Haggerty, and Gina Falconio.

I save my greatest thanks to those who really have the hardest job of all; that is, our leader, Senator DASCHLE, Democratic leader. Senators from both sides of the aisle pummel him with their requests, with their demands, with what they want. It is an impossible job to be leader in this body. I thank Senator LOTT as well. I have the highest regard and respect for the Senator from South Dakota as well as the Senator from Mississippi. They have done one heck of a job. I wish more Americans knew how hard they tried to corral and herd 100 Senators together to reach a result that is good for our country.

In summary, my heartfelt thanks and gratitude for all the people who have worked so hard. We have other issues ahead of us, more amendments, more bills, but thus far, they have been just great.

I thank, finally, my good friend from Iowa, CHUCK GRASSLEY. Many times I have told the world of the high regard I have for him. It is pretty hard to say much more. He is such a great guy. Deep down, nobody is more salt of the earth, a straight shooter who tells it like it is and is dependable, honest, and direct—making him very popular—my good friend, CHUCK GRASSLEY.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I thank the Senator from Montana for his kind remarks. More important, I thank him for the cooperation that has been going on since day 1 of this year that we have been working together, bringing to culmination this vote and, eventually, a conference report that we hope will successfully pass the Senate a second time and go to the President with the largest tax cut for working men and women in our country.

In addition to that, this is within the tradition of how the Senate Finance Committee works. I think I have served in the Senate when we had as many as 55 Republicans and as little as 42 Republicans; and in any of those circumstances, the products of the Senate Finance Committee, whatever party controlled it, for the most part, were overwhelmingly bipartisan. On the other hand, if it were not that way, there would not be much chance of getting a bill through this body with 100 Members of the Senate.

I thank the number of people who voted for this bill on final passage. I am not sure I expected that large a number of votes. I expected a sizable number of Democrats, but many more voted than I anticipated. Quite frankly, I didn't expect to get every Republican vote, which we did in the final analysis. I thank all of my colleagues who voted for the bill. Those who didn't vote for it, I thank them very much for their cooperation in letting this come to final passage, even though they did not like it.

So with passage of the RELIEF Act, I feel that struggling families will have more money to make ends meet. Parents and students will be able to more easily afford the cost of a college education. A successful businesswoman will be able to expand and hire more people. A father finally getting a good paycheck after years of work will be able to provide for his aging mother. A farmer won't have to worry about passing on to his children the family farm without selling half of the land, maybe, for estate taxes. The examples are endless, but the great benefits that we realize when we give tax relief to working men and women are great.

I thank many members of the committee staff, both Republican and Democrat. Most of all, I think we have to thank the members of the Finance Committee—each one—for sitting through 10 hours of debate. Roughly a week ago now, we worked day and night to get that bill through. I thank my Finance Committee staff, Mark Prater, with me here, our chief tax counsel; and other tax counsels, including Ed McClellan, Brig Pari, Elizabeth Paris, who is here with me; Dean Zerbe, as well as Diann Howland. These individuals have been the workhorses of the committee, keeping the lights burning long into the night to make this final product the statutory language that it is and the perfection that statutory language must have.

I also thank the entire staff support, particularly Gina Falconio, Leah Shimp, Jeanne Haggerty, and Carla Martin. Lastly, on my side, I thank Kolan Davis and Ted Totman, the committee staff director and deputy staff director, for riding herd on all of this work.

This is a bipartisan bill. It would not have been possible without the close work and cooperation at the staff level. So as chairman of the committee, I have to appreciate and thank the minority staff for their good work, particularly Russ Sullivan, chief tax counsel; as well as Cary Pugh, Pat Heck, Maria Freese, Frank Rodriguez, and Mitchell Kent. In addition, I thank John Angell and Mike Evans for their time and hard work as leaders of the staff for the Democrats.

Let me extend my thanks as well to a person who is not very public—Lindy Paull and her staff at the Joint Committee on Taxation, who probably want to be known for their anonymity. They provide a great deal of extensive knowledge and guidance to this effort, particularly not only in writing but also in their analysis of the cost of legislation—what different policies add up to particular income into the Federal Treasury or less income into the Federal Treasury.

Then I think we should not forget the Assistant Secretary for Tax Policy, Mark Weinberger, and his staff for their assistance because even though they don't have a vote on Capitol Hill, there is a lot of expertise at the U.S. Department of Treasury that this committee—the Senate Finance Committee—has on a regular basis called upon for analysis for their opinions, and also to some extent to give us a view of the executive branch of Government as one more issue in consideration that we ought to have.

My thanks also goes to Jim Fransen and Mark Mathiesen and their capable staff and legislative counsel for taking our ideas and drafting them into statutory language.

Then, finally, as Senator BAUCUS has done, I thank people on his side of the aisle who worked so hard as leaders of the Senate Finance Committee or Senate Budget Committee. I also believe that we would not be here if we had not had a successful budget resolution passed to make room for this third largest tax cut in 50 years, the largest tax cut in the last 20 years. So I thank Senator PETE DOMENICI and his staff director, Bill Hoagland, and the entire Budget Committee staff for their assistance. They were assistants to me during this deliberation, as Senator CONRAD was for Senator BAUCUS, but also that sort of leadership provided the budget resolution.

This is a historical bill for historical times, and I am honored and privileged to be a part of it. Once again, as Senator BAUCUS has said so often, and I have said often, I hope this spirit of bipartisanship continues, as it has, as a tradition in the Finance Committee through our leadership but will also be a standard for other work we do in the Finance Committee; more importantly, that it is something which is contagious, and that there will be closer working relationships and more bipartisanship between all Senators and the products of the Senate.

We go to conference now, and there again we are going to have to produce legislation that hopefully gets the same bipartisan support this bill did. If it is something a little less than that, it can't be much less. I don't want to be gambling that we will get 51 votes when we come to the floor of the Senate after the negotiations are done. I want to make sure that when we come to the floor, we come to the floor in a way that, before we bring the bill up, we have bipartisanship.

The fact is there aren't a lot of Democrats voting for this bill. We can't take for granted the 62 people who have voted for it already.

I wish we could. It would make for a very easy conference. We go there now to negotiate with the other body. I thank the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate my colleagues from Iowa and Montana for the great job they have done. It was a tremendous amount of work, a tremendous amount of patience. I congratulate them.

VITAL DRUG SHORTAGE

Mr. DEWINE. Mr. President, I rise today to discuss an emergency situation facing many of our hospitals across the country. It is an emergency that faces our hospitals, many of our doctors but, much more importantly, it is an emergency that faces the tiniest members of our society, and they are babies who are about to be born and premature babies.

Right now, we have a drastically short supply of a vital drug that is used to help save the lives of babies who are born prematurely. Let me explain.

There is a drug called betamethasone, commonly known as Celestone, which is given to mothers who are about to deliver their child early. The drug is designed to help the premature baby's lungs develop more fully and more completely and to help reduce the risk of bleeding in the baby's brain.

This drug is absolutely essential to giving these tiny newborns a chance to live and grow into healthy children.

An obstetrician at Riverside Hospital in Columbus, Dr. Tracy Cook, contacted me about the current shortage of this very necessary drug. From what I understand, many hospitals no longer have a supply of the drug on hand at all, and others have only a few day's worth left in stock. In fact, I have taken a survey around Ohio, and I suspect what I found in Ohio is true across the country, that doctors and hospitals are running low, many are out, some will be out in just a few days.

I have contacted the Secretary of HHS, Mr. Tommy Thompson, as well as the FDA, to enlist their help in getting emergency supplies of the drug shipped to hospitals as soon as possible. The FDA tells us there are some manufacturing problems with the drug which is causing this shortage.

Whatever the delay, I believe it is absolutely critical that we get these drugs to our hospitals so that no lives are lost, no matter what the cause is for this delay. This is a problem which has to be dealt with.

This drug is critical to the health and future of premature babies. I urge my colleagues to support me in urging the FDA to take whatever action is necessary to resolve this problem. The lives of so many newborns hang in the balance.

This is a problem the FDA must address immediately. We have contacted the FDA, and the response we get back is: These are manufacturing problems. That does not tell us what the exact

problem is, nor does it tell us what the FDA is doing and what the manufacturer is doing to resolve this problem.

We need some answers from the FDA. This is something that cannot wait 2 weeks or 1 month or 6 months. This problem has to be resolved over the next few days. It is critical for the safety of these newborn children.

I thank the Chair. I yield the floor.

TAX RELIEF

Mr. THOMAS. Mr. President, we have been spending all of our time this week on taxes. I am delighted the tax bill has passed. Certainly there are different views on how to do it. There will always be different views when one raises the question of taxes or spending. There are different points of view. Much has to do with the priorities of people. Much has to do with the philosophy of what one thinks the appropriate role of the Federal Government is, what kinds of programs should be funded by the Federal Government. Those are the broad issues.

I was very pleased when we did follow through, and the House, of course, passed tax relief in the amount of approximately $1.6 trillion, which is what the President requested. The bill that passed the Senate is something less than that. It is still a huge amount of money. Most of us cannot conceive what $1.3 trillion is, but nevertheless it is very close to the same amount and I think deals with the same principles that are so important.

Taxes are one of the highest priorities for this Congress and, indeed, should be. Taxes are high priorities for this Congress because of the fairness question. It is a question of adequately funding appropriate programs.

It is a high priority for the American people for much the same reason in that no one wants to pay more taxes than they have to, but most of us are willing to pay taxes. It is necessary to do that. Fairness is an issue. This is one of the President's first priorities.

Interestingly enough, this and education are the two highest priorities, and soon we deal with the energy issue. Those are the three things that have been talked about the most in the last several months, so it is appropriate this Congress has focused on and made progress in those areas.

The Senate will be going to conference with the House, and hopefully we will have it down to the President perhaps before this week is over. That is an excellent performance.

On the tax bill we went through 50-some votes on amendments, which gave everybody a good opportunity to talk about the different issues. Yet the bill survived pretty much as it was reported out of committee. I congratulate the committee and the leaders.

There are a number of principles involved. We talk about amount always but limited Government is part of it. One of the reasons for a return of taxes is because the citizens, the American people have paid more taxes than are necessary, and we have a surplus. Clearly, it should go back to the people who paid it.

Quite frankly, my experience is if we have a surplus for very long, we will find a way to spend it even though it may not be one of the highest priorities. The principles of limited Government are very much a part of what we do.

There are questions as to, when one projects out 10 years, how close the projections will come to the actual surpluses. I think any economic projection for 10 years has some variability in it. However, I believe all the professionals who have made this projection indicate it is a very modest projection and, indeed, it is very likely the surpluses will, in fact, even be higher.

It is a time, too, when it is necessary to stimulate the economy. This is one of the ways the economy is stimulated—by letting people spend more of their own money. It is true it takes a while for all of this to kick in, but there will be some immediate impact, and that is vital to the economy.

Fairness in the Tax Code is very important, and we have a hard time with fairness in the Tax Code. This bill provides more fairness in the marriage penalty where two single people who earn a certain amount of money marry, and their tax on the same amount of money is increased. That is a fairness issue and needs to be changed.

It is something we need to do. We talk a lot about the simplicity of the Tax Code.

We didn't do much about that. We are always wanting to give tax credits, so the Tax Code keeps getting larger.

Mr. President, I yield the floor.

AGAINST WITHDRAWAL FROM BOSNIA

Mr. BIDEN. Mr. President, I rise today to take strong issue with remarks by Secretary of Defense Donald Rumsfeld as summarized in the Washington Post on May 18 and subsequently reproduced in their entirety on the paper's website, that he is ''pushing'' to pull U.S. troops out of Bosnia. According to Secretary Rumsfeld, ''the military job [in Bosnia] was done three or four years ago.''

I firmly believe that Secretary Rumsfeld's analysis of the situation in Bosnia is incorrect, and that his policy prescription would be seriously detrimental to the national security interests of the United States.

First, let me turn to Mr. Rumsfeld's statement that the ''military job was done three or four years ago.'' It is true that IFOR, and then SFOR, successfully separated the largely exhausted warring parties without much difficulty. But to assert that this separation spelled the end of our troops' mission is to define ''military'' in such a narrow way so as to make it nearly meaningless in the Balkan context.

Putting it in other terms, Secretary Rumsfeld seems to belong to the school that begins talking about so-called ''exit strategies'' as soon as troops are committed. Of course we need an ''exit strategy,'' and we have had one. The Clinton Administration early on outlined ten detailed benchmarks for Dayton implementation that need to be met before we can say ''mission accomplished'' and honorably withdraw. These are not secrets. The U.S. Embassy in Sarajevo hands out a list of the benchmarks to all visitors. I must assume that Secretary Rumsfeld is familiar with them, so it seems that he either believes they no longer apply, or that our troops no longer have anything to do with most aspects of Dayton implementation.

From Secretary Rumsfeld's published remarks, I get the impression that he sees anything short of actual combat or the separating of warring parties as inappropriate tasks for our soldiers. If he does, I disagree with him. In fact, his view strikes me as the old syndrome of ''preparing to fight the last war.'' The last two so-called ''Strategic Concepts'' of NATO have made clear that the most likely security challenges of the twenty-first century will be ethnic and religious strife, trans-national crime, terrorism and the like—rather than a frontal attack on the territory of alliance members.

The details bear examination. Little more than two years ago in this city, NATO celebrated its fiftieth anniversary. At that Washington Summit, NATO issued the latest version of its Strategic Concept. I would like to quote several parts of the Strategic Concept in order to show that we and our allies have clearly understood that the military's function is not bound in a narrow straightjacket.

The document, agreed upon by all nineteen NATO members on April 23 and 24, 1999, declares in Article 20 that ''large-scale conventional aggression against the Alliance is highly unlikely.'' It goes on to say the following: ''Ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states can lead to local and even regional instability.''

It then graphically outlines the possible ramifications of such developments: ''The resulting tensions could lead to crises affecting Euro-Atlantic stability. . . [and] could affect the security of the Alliance by spilling over into neighboring countries, including NATO countries, or in other ways, and could also affect the security of other states.''

Moreover, Article 25 of the 1999 Strategic Concept specifically states that ''The Alliance is committed to a broad approach to security, which recognizes the importance of political, economic, social and environmental factors in addition to the indispensable defense dimension.''

How can these factors be addressed? Article 29 mentions the ''Alliance's ability to contribute to conflict prevention and crisis management

through non-Article 5 crisis response operations.''

So, clearly NATO, including the United States, is on record as seeing the threats of this new century as being new, complex, and calling for a variety of responses. In that context the marvelous men and women of our armed forces serving in Bosnia and in Kosovo have taken on many tasks that military people of earlier generations, trained to stop the Red Army from pouring through Germany's Fulda Gap, either do not understand or believe are beneath the dignity of regular troops.

But our troops understand their mission and believe in it. I have spoken at length with our soldiers in SFOR in Bosnia and in KFOR in Kosovo, and the overwhelming majority of them think that their broadly defined pacification activities are making a contribution to lessening the very threats that NATO's Strategic Concept describes.

Skeptics may think that I have gained impressions that I wanted to get. Fair enough, I'm only human. But statistics don't lie. Every year the Pentagon issues re-enlistment targets for troops based abroad. When I stayed at Camp Bondsteel in Kosovo this past winter, I was told that the re-enlistment figures for our Army troops in KFOR were one hundred forty-two percent of target—the highest for any foreign-based units in the entire world. Re-enlistment rates in SFOR in Bosnia are also high. So obviously our troops in the field in the Balkans seem to grasp what Secretary Rumsfeld apparently does not: that what they are doing is important to the security of the United States and is not beneath the dignity of soldiers.

I might also add that the charge that our Balkan-based troops lose their fighting ability has been shown to be another canard used to dress up neo-isolationist ideology. In fact, the U.S. Army has a well thought out program to restore so-called ''HIC'' or high intensity conflict skills to troops rotating out of the Balkans in a short amount of time. Equally important is the universally accepted fact that the troops who have served in SFOR and KFOR have acquired leadership skills through the missions frowned upon by Secretary Rumsfeld, which they never could have gotten sitting in bases in Germany or elsewhere outside the Balkans.

I understand full well that non-military police forces also have a role to play. That is why several years ago I began calling for the creation of a ''gendarmerie'' force for crowd pacification and assistance to refugees returning to their homes. In fact, so-called ''MSUs'' or Multinational Specialized Units were created in Bosnia. Unfortunately, though, their strength has been allowed to decrease. U.S. General Mike Dodson, Commander of SFOR, told me that while he once had nineteen MSU units under his control, the number has shrunk to eleven. They should be beefed up to their former strength.

In addition, new local police forces have been created both in the Federation and in the Republika Srpska. Some of them are functioning well, others not so well.

But neither the MSUs, nor the local police forces, have the clout or inspire the fear in the ultra-nationalists that the regular SFOR troops do. We may not like this situation, but we have to face the facts: Bosnia is not yet fully pacified, and the recipe for curing the unrest is exactly the opposite from talking of withdrawing American troops.

A few months ago, I stood here and said that we are at a critical juncture in Bosnia. The moderate, non-nationalist forces embodied in the ''Alliance for Change'' political coalition had just made important, even extraordinary, gains by winning, in free and fair elections, control of both the national and the Federation parliaments.

The hardline ultra-nationalist HDZ Bosnian Croat party has violently refused to yield to its democratic defeat. Rather, it announced that it was creating its own ''self administration'' and withdrew its troops from the Muslim-Croat Federation Army and from cantonal police forces. An international operation that seized the bank through which the HDZ conducted its nefarious activities prompted a violent riot in Mostar in which serious bloodshed was only narrowly averted. After extreme pressure from the West the Bosnian Croat ultra-nationalists have indicated that they may resume participation in government institutions, but the situation remains precarious.

In the Republika Srpska the hardliners who owe their allegiance to indicted war criminal Radovan Karadzic and who are at least rhetorically supported by Yugoslav President Vojislav Kostunica have been up to their old caveman tactics.

Two weeks ago they broke up a ceremony in Banja Luka in which the cornerstone was to have been laid to rebuild the great Ferhadija Mosque, destroyed by Bosnian Serbs in the early 1990s. They trapped two hundred Bosnian and international officials for several hours before they were rescued. As a nice reminder of their lofty cultural level, the Bosnian Serb thugs burned Muslim prayer rugs and let a pig loose on the mosque grounds. Incidentally, although President Kostunica criticized this barbarity, he added that the reconstruction of such buildings was a provocation!

Ultra-nationalists have also rioted in Trebinje and elsewhere against returning refugees.

In short, the situation in Bosnia and Herzegovina is hardly pacified. It is a time of great opportunity, for the hardline Serbs and Croats are reacting to their dwindling power. But it is also a time fraught with danger.

For example, one strictly military task remaining to be accomplished is the amalgamation of the rival armies. If the U.S. forces, and SFOR, would withdraw before this occurs, renewed warfare would almost certainly break out. Instead of publicly musing about exit strategies, we need to be stressing our country's commitment to helping Bosnia and Herzegovina move once and for all beyond the domination of the corrupt ultra-nationalist parties.

Moreover, rather than setting artificially limited goals for our military and then congratulating ourselves on fulfilling them, we need to utilize SFOR to kill the serpent that continues to poison Bosnian life: by apprehending the more than three dozen individuals indicted by The International Criminal Tribunal at The Hague for war crimes who are currently living with impunity in the Republika Srpska. This rogues' gallery includes, above all, Karadzic and General Ratko Mladic—who, according to Carla Del Ponte, the Chief Prosecutor of The Hague War Crimes Tribunal, enjoys the protection of a security detail that is paid for by the Yugoslav army.

SFOR claims that it doesn't know where Karadzic and Mladic are. Well, Mrs. Del Ponte, with whom I met earlier this month, has offered to use her tribunal's capabilities to locate Karadzic and Mladic for SFOR. I think we should take her up on her offer. As long as these two mass murderers are on the loose, there will be no definitive peace in Bosnia. Our British allies have not been squeamish about undertaking risky operations to nab individuals indicted for war crimes. We must get Karadzic and Mladic, and, if necessary, the U.S. Army should be involved.

The linchpin to the strategy of pacifying and democratizing Bosnia and Herzegovina is a continued robust U.S. military presence in SFOR.

Secretary Rumsfeld's comments are bound to boost the spirits of the ultra-nationalist hardliners who, according to a recent report published by the State Department's Bureau of Intelligence and Research, ''are gambling . . . that [if] they can intimidate or just outlast the international community, they may still succeed in dividing Bosnia into ethnic states.''

Moreover, I am certain that the Secretary's comments have reignited concerns among our European allies that they will be left holding the bag in Bosnia.

In the Washington Post interview, Secretary Rumsfeld stressed that there was no friction between him and Secretary of State Colin Powell on this issue.

His comments, however, appear to directly undercut Secretary's Powell's repeated assurances to our European allies during the past several months that the United States ''will not cut and run'' from the Balkans, and that ''we went in together with our allies and we'll go out together.''

What on earth is going on here?

Just as Secretary Powell has spent the last six months trying to undo the damage done by similarly ill-considered unilateralist comments in a New

York Times interview by Condoleeza Rice, now the President's National Security Advisor, so the Bush Administration spin-doctors were quick to try to explain away the Rumsfeld interview by asserting that his proposals were only part of a process by which we intend to use NATO's Six Month Reviews to reduce our combat troops in Bosnia.

Well, if that's the case, we have a case of ''choose your poison.'' One possibility is that the Bush Administration is, once again, internally out of control as President Bush showed by cutting off EPA Chief Christine Todd Whitman at the knees on carbon dioxide and Secretary Powell on his sensible support of South Korea's ''sunshine policy.''

The other possibility is that Secretaries Powell and Rumsfeld are, indeed, on the same page, and that ''in together, out together'' really means that the United States intends to use its unparalleled influence within NATO to force our allies to join us in a precipitous withdrawal before the mission in Bosnia is successfully completed.

Given the choice, I'd opt for poison number one, and wait for this Administration to finally get its act together. But I fear that poison number two is the more likely scenario.

If my fears prove correct, and we withdraw our troops, I predict that renewed fighting in Bosnia is just a matter of time. This next round would be bloody, and, inevitably, we would have to go back in again, at much greater cost in men and materiel. Because no matter how much my neo-isolationist friends salivate at the idea of sitting on the sidelines while the European Union's European Security and Defense Policy rapid-reaction force takes care of things—they will be sorely disappointed, because for the foreseeable future ESDP will need massive American support to function.

You know, I think this town has a great many very intelligent individuals, and Secretary Rumsfeld is one of the brightest of the bunch. It's difficult for me to understand how even the most Asia-centered, or missile defense-centered person, can believe that their new foreign policy emphases have a chance of succeeding if Europe is not stable. And with the Balkans still erupting, Europe will not be stable.

So let's all reread NATO's Strategic Concept and not view our military's tasks through a twentieth century prism. Let's listen to our men and women on the ground in the Balkans. Let's listen to our diplomats who know full well that a stepped up, resolute effort at Dayton implementation—backed up by a still robust SFOR—is what is called for. Let's stop talking about accelerated exit strategies before the mission is successfully accomplished.

NOMINATION ANNOUNCEMENT

Mr. HATCH. Mr. President, in accordance with the provisions of Senate Resolution 8, I would announce to the Senate that the Committee on the Judiciary failed to report the nomination of Ted Olson to be Solicitor General of the United States by a tie vote of 9–9.

NATIONAL MISSING CHILDREN'S DAY AND THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

Mr. LEAHY. Mr. President, today I recognize National Missing Children's Day and the great work of the National Center for Missing and Exploited Children, NCMEC. The NCMEC has made an unmatched contribution in the area of missing children recovery.

At their annual Congressional Breakfast this morning, the NCMEC honored law enforcement officers from around the country for their exemplary performance in recovering missing children and in apprehending child sex offenders. Last year, we honored a Vermonter at this event for his extraordinary work in tracking down a child exploitation offender.

In 1999, I helped pass legislation that authorized funding for the National Center for Missing and Exploited Children and I am pleased to see its continued success. Since 1984, when the Center was established, it has handled more than 1.4 million calls through its national Hotline 1–800–THE–LOST; trained more than 161,728 police and other professionals; and published more than 20 million publications that are distributed free of charge. The Center has worked with law enforcement on more than 75,283 missing child cases, resulting in the recovery of 50,605 children.

In 1998 the Center launched the CyberTipline which allows Internet users to report suspicious or illegal activity, including child pornography and online enticement of children for sexual exploitation. Since its launch in 1998, the CyberTipline has received close to 37,000 leads with many of those leading to arrests.

I applaud the ongoing work of the Center, its President, Ernie Allen, and all those dedicated employees and volunteers who make this good work possible. I wish them continued success in the area of missing children recovery.

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.

I would like to describe a heinous crime that occurred May 17, 2000 in Holbrook, Massachusetts. A grand jury indicted a 17-year-old high school student on seven charges for attacking a fellow student he believed to be gay. For five months prior to the attack, the perpetrator allegedly harassed the victim. In the attack, which occurred in the school cafeteria, the perpetrator hit the victim five or six times in the head before knocking him to the floor. The attack left the victim with a punctured eardrum and internal bleeding.

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.

MUSCULAR DYSTROPHY

Mr. HOLLINGS. Mr. President, S. 805, introduced on May 1, is a vital step toward the day when advanced research will find ways to halt, and even to cure, the maladies of muscular dystrophy.

Muscular dystrophy is a genetic disorder, actually, nine separate genetic disorders, that cause wasting of muscle tissue throughout the body. A quarter of a million Americans of all ages suffer from the disease. One form of it, Duchenne's, strikes young boys, and usually takes their lives before they reach their twentieth birthday. All forms of it are disabling and costly.

Many millions of Americans know about muscular dystrophy and contribute to its relief because since 1966 the entertainer Jerry Lewis has conducted a telethon on Labor Day, calling the nation's attention to muscular dystrophy, and asking help for its victims and their families. The Muscular Dystrophy Association, which Jerry Lewis chairs, has raised hundreds of millions of dollars for the treatment and relief of this disease. It supports over two hundred clinics, and makes wheelchairs and braces available to people suffering from muscular dystrophy.

Part of the money the association raises, about $30 million yearly, goes to support research projects. But if the breakthroughs are to occur that will enable scientists not just to treat, but to halt the disease, research funding must be substantially increased. This is the purpose of S. 805.

It calls upon NIH and the Centers for Disease Control to establish Centers of Excellence, in which intensified clinical research can be conducted that will speed the discovery of cures for the various forms of muscular dystrophy.

It provides the Director of the NIH, and the Directors of the several institutes within NIH where research into muscular dystrophy is being conducted, with authority and responsibility to concentrate and intensify that research effort, with the funds needed to conduct clinical trials. In short, it gives NIH the organization and the mandate to exploit recent advances in gene therapy. The goal is the swiftest possible rescue for children and adults whose lives will otherwise be lost or badly damaged by muscular dystrophy.

I commend my colleagues for introducing S. 805, and I ask that my name be added as a co-sponsor of the bill at its next printing.

HONORING THE 150TH ANNIVERSARY OF THE UNIVERSITY OF MINNESOTA

Mr. WELLSTONE. Mr. President, it is my privilege today to commend the University of Minnesota, its students, staff faculty, alumni and supporters for its long history of excellence and accomplishments. The University of Minnesota celebrates its 150th anniversary this year as one of the Nation's great public universities.

The University was established in 1851, six years prior to the founding of Minnesota as a state. It began as a small preparatory school and operated without State or Federal funding.

During the Civil was the University went through a series of trying financial times, but was greatly lifted when Congress passed the Morril Land Grant Act in 1862.

Signed by President Abraham Lincoln, this act gifted over 100,000 acres of land for public use in Minnesota, and called for the creation of a perpetual public fund.

The interest on this fund was to go towards, in the historic words of the document, ''the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and mechanical arts . . . in order to promote the liberal and practical education of the industrial classes in several pursuits and professions in life.''

In 1869 William Watts Folwell was inaugurated as the first president of the University. At that time there were only nine faculty members and 18 students. Today the University of Minnesota system is home to nearly 60,000 undergraduate and graduate students under the direction of President Mark Yudof.

As a land-grant institution, the University of Minnesota with its campuses in Crookston, Duluth, Morris and the Twin Cities has earned distinction as one of the most prestigious and competitive public university systems in the nation.

Since the first two bachelors of arts degrees were awarded in 1873, the university has granted over 549,000 undergraduate degrees and 25,000 Ph.D.'s in over 373 fields of study. Such rich academic diversity has allowed for students to walk in step with their dreams.

The University of Minnesota has fostered an environment for high-standards of education, academic achievement, and public service. It conducts some 300 programs serving children and youth, and students and staff of the University work with over 700,000 Minnesotans every year on issues ranging from agricultural research, health and medical sciences, to social development. The University of Minnesota is also a major source of employment, providing work for more than 100,000 Minnesotans.

As a major research institution the University has produced scholars of national and international distinction, including 13 faculty members and alumni who have been awarded Nobel Prizes, including the Nobel Peace Prize.

Alumni, faculty and staff have also developed a strong tradition of giving back to the University, beginning with historic philanthropist and University Regent, John Sargent Pillsbury in 1867, and continuing today. Private donations, grants and scholarship funds, along with Federal and State funds help the University of Minnesota to provide students with the necessary resources for a world-class education.

As a Senator from Minnesota I take pride in congratulating the University of Minnesota, with its solid and colorful academic history, on its 150th year of excellence. The State of Minnesota and the nation shall continue to benefit greatly from the efforts of this fine public university.

Mr. DAYTON. Mr. President, I join the senior Senator from Minnesota, PAUL WELLSTONE in honoring the 150 year anniversary of the University of Minnesota. The many milestones so aptly described by Senator WELLSTONE illustrate the distinguished history of one of America's great land grant schools. From the most humble beginnings in 1851, before Minnesota could call itself a State, the University established itself, as a small preparatory school. Today, it is a premier land grant University, with a major medical school, an Institute of Technology, School of Agriculture and three campuses in greater Minnesota. The University serves nearly 60,000 undergraduate and graduate students.

The value of any great learning institution is measured both within its hallowed, academic halls as well as beyond the geographic borders of a central campus. The University of Minnesota Twin Cities has long been considered one of the Nation's top 25 public research universities. The University also serves a large and diverse state by reaching young people through the campuses at Morris, Crookston, and Duluth. In addition, the University has formed a unique partnership with the Rochester Community and Technical College, and Winona State University to form the University Center at Rochester.

Each of these campuses has its own identity, and adds a unique dimension to the University, and to the State. Rochester, the newest campus, is a joint venture with three different institutions and two academic systems. Because of this partnership, a student attending the University Center at Rochester can pursue a doctorate program or certificate. Established in 1959, the University of Minnesota, Morris is today considered one of the top three public liberal arts institutions in the country. University of Minnesota, Crookston attracts nearly 3,000 students, earning one of U.S. News and World Report's Best College rankings and Wired Magazine's Most Wired Campus Designation. And, the University of Minnesota Duluth, ranked as one of the 12 best Midwest regional public universities, serves the academic needs of the State with a comprehensive undergraduate and graduate program. Equally important, UMD is a vitally active partner in the economic development of Northern Minnesota.

We celebrate the University's Sesquicentennial by looking back through the long lens of a history rich with the achievements that have informed the people of our great State. These are the accomplishments in which the University of Minnesota played a key role. They include helping Minnesotans develop a strong agricultural economy, building a global reputation in medical sciences, establishing the relationship between the University's intellectual resources and community service, and forging an academic base, providing the brainpower that has carried Minnesotans into the new millennium. While we celebrate the University's past, we recognize that it is a part of our present and our future. It educates our children, grows our economy, and evaluates our decisions with sound research and good science.

I join all Minnesotans in celebrating the University of Minnesota's 150th anniversary. I know there will be many more productive years to come.

UNBORN VICTIMS

Mr. INHOFE. Mr. President, today I rise to recognize a group of people who are often overlooked—the unborn. Recently, the House has passed legislation that would protect this defenseless group from violent attacks. The Unborn Victims of Violence Act of 2001 would make it a crime to assault or murder an unborn child.

Recently, I have come across several compelling stories that show the importance of this legislation. One such story is of Tracy Marcinlak of Wisconsin. On February 8, 1992, Tracy was pregnant with her son, Zachariah, who was due to be born in four days. That night, Tracy's husband, Glendale Black, brutally beat her and refused to let her get help. Eventually relenting, her husband let her call an ambulance and Tracy was rushed to the hospital. Little Zachariah was delivered by an emergency Caesarean section. It was too late. He had bled to death from blunt-force trauma.

Unfortunately, in 1992, Wisconsin did not have an unborn victims law and state prosecutors were unable to convict Tracy's husband under a law that required them to prove that he intended to kill Zachariah. He was only convicted of assaulting Tracy. Glendale

Black, who murdered his own son, is already eligible for parole.

In response to violent acts such as this, the Wisconsin legislature passed one of the nation's strongest unborn victims laws in 1998. However, even today, there is no federal law to prosecute criminals who kill unborn children. The Unborn Victims of Violence Act of 2001 would correct this injustice. Under this law, people like Glendale Black, who kill their unborn children, will be prosecuted in the same manner as if they had murdered someone who is already born.

I applaud my colleagues in the House for passing this important legislation as it will give unborn children a fundamental right—the right to live. Many of our forefathers fought and died to make this a basic right for all Americans. Today, the fight continues. I hope my colleagues in the Senate will join me in this fight and vote yes to the Unborn Victims of Violence Act of 2001.

ROCKY BOY/NORTH CENTRAL MONTANA WATER SYSTEM

Mr. BAUCUS. Mr. President, I rise to voice my support for the Rocky Boy/North Central Montana Regional Water System Act of 2001. I join Senator BURNS, Representative REHBERG, and Governor Martz in recognizing the problem that the Chippewa Cree Tribe and other Montana residents in the surrounding area face in getting clean, affordable drinking water. The population of the Rocky Boy Reservation, which grew by over 40 percent in the last decade, is dangerously underserved. Many other residents in the North Central Montana area are completely without water service, and the problem is worsening because of the drought conditions plaguing our State. Many families must haul in their own water, or pay to have it delivered. This is just unacceptable.

Within the region, many homes can turn on the faucet in the kitchen or bathroom and see a black liquid come pouring out. Others are exposing their families to dangerously high levels of arsenic. I ask my colleagues if they would be willing to subject their husbands, wives, and children to these water quality issues? The situation has become so desperate that the current area water systems have ''qualified'' for the EPA's Significant Non-compliance list. I say again, this is unacceptable.

Without a reliable, accessible safe drinking water source, North Central Montana cannot diversify its economy or encourage future economic growth.

The Rocky Boy/North Central Montana Regional Water System Act would address these important water needs by constructing a Regional Water System. The system would involve fifteen participants, eight water districts, and six municipalities. It would cover a six-county region, and its service area would span more than 10,000 miles. By allowing current water systems to cooperate under a larger regional framework, the proposal will allow for more efficient management.

For the Chippewa Cree Tribe, the Act would represent the fulfilment of a Water Compact which was ratified by the Montana Legislature and signed by President Clinton in December, 1999. The Compact guaranteed the Tribe a 10,000 acre feet water allocation from the Tiber Reservoir south of Chester. In order to honor this agreement, the Act authorizes the construction of a water treatment plant at Tiber Reservoir, along with the 50 miles of pipeline necessary to connect the Reservoir and the Reservation.

The Rocky Boy/North Central Montana Regional Water System Act is also extremely important to other Montana households as well in the area, in fact, it is important to over 7000 additional households. Fourteen off-reservation towns and counties have expressed their interest in the program by signing an Interlocal Agreement to create the North Central Montana Regional Water Authority. The Authority is the legal entity, required under Montana law, that will administer the non-tribal components of the regional system.

This project is important to me and to North Central Montana. Water is life and without it our communities cannot continue to flourish and grow. This region in Montana is economically very important to our state. But, if they don't have clean, safe water to drink, their economic future looks uncertain. How will their business continue to expand? How can you build new houses? The answer is simple. They will not and you cannot. Without water, all growth and progress stops.

That is why I will do everything I can to see that this project is authorized and funded.

THE SAVINGS OPPORTUNITY AND CHARITABLE GIVING ACT OF 2001

Mr. SANTORUM. Mr. President, today, I rise on behalf of legislation which I have introduced with Senator JOE LIEBERMAN, S. 592, The Savings Opportunity and Charitable Giving Act of 2001. Other bipartisan cosponsors of the underlying bill include Senators HUTCHINSON, DURBIN, BROWNBACK, LANDRIEU, LUGAR, BAYH, DEWINE, MILLER, KYL, JOHNSON, BOB SMITH, SESSIONS, and COCHRAN. The amendment number is 655.

I am disappointed that we have not included in H.R. 1836 the key tax relief provisions of the President's Faith-Based Initiatives to expand charitable giving opportunities and incentives for all Americans and expansion of savings opportunities through Individual Development Accounts (IDAs) which President Bush also endorsed in his campaign and included in his budget. Just yesterday, in a speech at Notre Dame University, President Bush reaffirmed his vision and support for these initiatives in the effort to enable the community renewal and poverty alleviation efforts throughout this country. I will continue to work with the President and my colleagues to create additional opportunities to advance this initiative this year.

Representatives J.C. WATTS, Jr. and TONY HALL have introduced a similar measure in the House of Representatives along with Speaker HASTERT, H.R. 7, the ''Community Solutions Act of 2001.'' Charitable or Beneficiary Choice expansion, charitable donations liability reform, and other provisions will be introduced in the Senate, but on a separate track from the tax provisions which have already been introduced in S. 592 and reflect two-thirds of the President's initial faith-based proposals.

Success in today's new economy is defined less and less by how much you earn and more and more by how much you own—your asset base. This is great news for the millions of middle-class homeowners who are tapped into America's economic success, but it is bad news for those who are simply tapped out—those with no assets and little hope of accumulating the means for upward mobility and real financial security. This widening asset gap was underscored in a report issued earlier this year by the Federal Reserve. The Fed found that while the net worth of the typical family has risen substantially in recent years, it has actually dropped substantially for low-income families.

Statistics: For families with annual incomes of less than $10,000, the median net worth dipped from $4,800 in 1995 to $3,600 in 1998. For families with incomes between $10,000 and $25,000, the median net worth fell from $31,000 to $24,800 over the same period. The rate of home ownership among low-income families has dropped as well. For families making less than $10,000, it went from 36.1 percent to 34.5 percent from 1995 to 1998; for those making between $10,000 and $25,000, it fell from 54.9 percent to 51.7 percent.

How do we reverse this troubling trend? IDAs are the unfinished business of the Community Renewal and New Markets Empowerment initiatives which became law in December of 2000 and will increase job opportunities and renew hope in what have been hopeless places. But to sustain this hope, we must provide opportunities for individuals and families to build tangible assets and acquire stable wealth.

Our legislation is aimed at fixing our nation's growing gap in asset ownership, which keeps millions of low-income workers from achieving the American dream. Most public attention focuses on our growing income gap. Though the booming American economy has delivered significant income gains to the nation's upper-income earners, lower-income workers have been left on the sidelines. This suggests to some that closing this divide between the have-mosts and the have-leasts is simply a matter of raising

wages. But the reality is that the income gap is a symptom of a larger, more complicated problem.

How do we do this? We believe that the marketplace can provide such opportunity. Non-profit groups around the country have launched innovative private programs that are achieving great success in transforming the ''unbanked''—people who have never had a bank account—into unabashed capitalists. Through IDAs, banks and credit unions offer special savings accounts to low-income Americans and match their deposits dollar-for-dollar. In return, participants take an economic literacy course and commit to using their savings to buy a home, upgrade their education or to start a business.

Thousands of people are actively saving today through IDA programs in about 250 neighborhoods nationwide. In one demonstration project undertaken by the Corporation for Enterprise Development (CFED), a leading IDA promoter, 1,300 families have already saved $329,000, which has leveraged an additional $742,000.

While the growth of IDAs has been encouraging, access to IDA programs is still limited and scattered across the nation. The IDA provision of this legislation will expand IDA access nationwide by providing a significant tax credit to financial institutions and community groups that offer IDA accounts. This credit would reimburse banks for the first $500 of matching funds they contribute, thus significantly lowering the cost of offering IDAs. Other state and private funds can also be used to provide an additional match to savings. It also benefits our economy, the long-term stability of which is threatened by our pitiful national savings rate. In fact, according to some estimates, every $1 invested in an IDA returns $5 to the national economy.

What are IDAs? IDAs are matched savings accounts for working Americans restricted to three uses: (1) buying a first home; (2) receiving post-secondary education or training; or (3) starting or expanding a small business. Individual and matching deposits are not co-mingled; all matching dollars are kept in a separate, parallel account. When the account holder has accumulated enough savings and matching funds to purchase the asset (typically over two to four years), and has completed a financial education course, payments from the IDA will be made directly to the asset provider.

Financial institutions (or their contractual affiliates) would be reimbursed for all matching funds provided plus a limited amount of the program and administrative costs incurred (whether directly or through collaborations with other entities). Specifically, the IDA Tax Credit would be the aggregate amount of all dollar-for-dollar matches provided (up to $500 per person per year), plus a one-time $100 per account credit for financial education, recruiting, marketing, administration, withdrawals, etc., plus an annual $30 per account credit for the administrative cost of maintaining the account. To be eligible for the match, adjusted gross income may not exceed $20,000 (single), $25,000 (head of household), or $40,000 (married).

Supporters: President Bush has expressed support for IDAs in his campaign and included them in his budget and we are working with the Administration to coordinate efforts. Supporting groups include the Credit Union National Association, the Financial Services Roundtable, the Corporation for Enterprise Development, the National Association of Homebuilders, the National Center for Neighborhood Enterprise, the National Federation of Community Development Credit Unions, the National Council for La Raza, and others.

Individual Development Accounts, combined with other community development and wealth creation opportunities, are a first step towards restoring faith in the longstanding American promise of equal opportunity. That faith has been shaken by stark divisions of income and wealth in our society. With the leadership of President Bush and Speaker HASTERT, I am hopeful, along with our other cosponsors, that Congress will take this first step toward restoring the long-cherished American ideals of rewarding hard work, encouraging responsibility, and expanding savings opportunity this year.

The charitable giving incentives provision will initially allow non-itemizers to deduct 50 percent of their charitable giving, after they exceed a cumulative total of $500 in annual donations ($1,000 for joint filers). The deduction will be phased into a 100 percent deduction over the course of 5 years in 10 percent increments. Under current law non-itemizers receive no additional tax benefit for their charitable contributions.

More than 84 million Americans cannot deduct any of their charitable contributions because they do not itemize their tax returns. In contrast, there are 34 million Americans who itemize and receive this benefit. For example, in Pennsylvania, there are nearly 4 million taxpayers who do not itemize deductions while slightly more than 1.5 million taxpayers do itemize.

While Americans are already giving generously to charities making a significant positive impact in our communities, this provision provides an incentive for additional giving and allows non-itemizers who typically have middle to lower middle incomes to also benefit from additional tax relief. In fact, non-itemizers earning less than $30,000 give the highest percentage of their household income to charity. It is estimated that restoring this tax relief provision to merely 50 percent which existed in the 1980's would encourage more than $3 billion of additional charitable giving a year. The phased in increase to 100 percent will result in even more additional giving. The floor is included because the standard personal deduction encompasses initial contributions.

One important dimension of promoting charitable efforts helping to revitalize our communities, empower individuals and families, and enhance educational opportunities is encouraging charitable giving. This legislation is a great opportunity to lower the tax burden on the many Americans who have not received any tax relief for their charitable contributions since 1986.

The IRA charitable rollover allows individuals to roll assets from an IRA into a charity or a deferred charitable gift plan without incurring any income tax consequences. The donation would be made to charity directly without ever withdrawing it as income and paying taxes on it.

The rollover can be made as an outright gift, for a charitable remainder annuity trust, charitable remainder unitrust or pooled income fund, or for the issuance of a charitable annuity. The donor would not receive a charitable deduction. This incentive should assist charitable giving in education, social service, and religious charitable efforts.

Food banks are finding it increasingly difficult to meet the demand for food assistance. In the past, food banks have benefitted from the inefficiencies of manufacturing, including the overproduction of merchandise and the manufacturing of cosmetically-flawed products. However, technology has made businesses and manufacturers significantly more efficient. Although beneficial to the company's bottomline, donations have lessened as a result. The fact is that the demand on our nation's church pantries, soup kitchens and shelters continues to rise, despite our economy.

According to an August 2000 report on Hunger Security by the U.S. Department of Agriculture, 31 million Americans (around 10 percent of our citizens) are living on the edge of hunger. Although this number has declined by 12 percent since 1995, everyone agrees that this figure remains too high.

Unfortunately, many food banks cannot meet this increased demand for food. A December '99 study by the U.S. Conference of Mayors found that requests for emergency food assistance increased by an average of 18 percent in American cities over the previous year and 21 percent of emergency food requests could not be met. Statistics by the United States Department of Agriculture show that up to 96 billion pounds of food goes to waste each year in the United States. If a small percentage of this wasted food could be redirected to food banks, we could make important strides in our fight against hunger. In many ways, current law is a hindrance to food donations.

The tax code provides corporations with a special deduction for donations

to food banks, but it excludes farmers, ranchers and restaurant owners from donating food under the same tax incentive. For many of these businesses, it is actually more cost effective to throw away food than donate it to charity. The hunger relief community believes that these changes will markedly increase food donations—whether it is a farmer donating his crop, a restaurant owner contributing excess meals, or a food manufacturer producing specifically for charity.

This bipartisan legislation was introduced separately by Senators LUGAR and LEAHY with 13 additional cosponsors including myself. It has been endorsed by a diverse set of organizations, including America's Second Harvest Food Banks, the Salvation Army, the American Farm Bureau Federation, the National Farmers Union, the National Restaurant Association, and the Grocery Manufacturers of America.

Under current law, when a corporation donates food to a food bank, it is eligible to receive a ''special rule'' tax deduction. Unfortunately, most companies have found that the ''special rule'' deduction does not allow them to recoup their actual production costs. Moreover, current law limits the ''special rule'' deduction only to corporations, thus prohibiting farmers, ranchers, small businesses and restaurant owners from receiving the same tax benefits afforded to corporations.

This provision would encourage additional food donations through three changes to our tax laws:

Expand Deduction to All Business Taxpayers: This bill will extend the ''special rule'' tax deduction for food donations now afforded only to corporations to all business taxpayers, including farmers and restaurant owners.

Enhance Deduction for Food Donations: This legislation will increase the tax deduction for donated food from basis plus ½ markup to the fair market value of the product, not to exceed twice the product's basis.

Codify Lucky Stores Decision: This bill will codify the Tax Court ruling in Lucky Stores, Inc. v. IRS, in which the Court found that taxpayers should base the determination of fair market value of donated product on recent sales.

I encourage my colleagues to join me in this important bipartisan effort to increase savings opportunities for lower income working Americans, to encourage the charitable giving of all Americans, to provide additional resources for the charitable organizations which serve their communities, and to encourage additional donations of food to alleviate hunger. I would also like to thank President Bush for his leadership in this critical area.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 22, 2001, the Federal debt stood at $5,658,520,030,420.14, five trillion, six hundred fifty-eight billion, five hundred twenty million, thirty thousand, four hundred twenty dollars and fourteen cents.

One year ago, May 22, 2000, the Federal debt stood at $5,673,858,000,000, five trillion, six hundred seventy-three billion, eight hundred fifty-eight million.

Five years ago, May 22, 1996, the Federal debt stood at $5,117,440,000,000, five trillion, one hundred seventeen billion, four hundred forty million.

Ten years ago, May 22, 1991, the Federal debt stood at $3,464,163,000,000, three trillion, four hundred sixty-four billion, one hundred sixty-three million.

Fifteen years ago, May 22, 1986, the Federal debt stood at $2,030,146,000,000, two trillion, thirty billion, one hundred forty-six million, which reflects a debt increase of more than $3.5 trillion, $3,628,374,030,420.14, Three trillion, six hundred twenty-eight billion, three hundred seventy-four million, thirty thousand, four hundred twenty dollars and fourteen cents during the past 15 years.

ADDITIONAL STATEMENTS

RECOGNITION OF LARRY SINCLAIR

• Mr. GRASSLEY. Mr. President, since 1963, the month of May has helped the nation focus on the contributions and achievements of America's older citizens. Fewer people over the age of 65 require nursing home care and more are living on their own, with little or no outside help. Older Americans increasingly redefine modern maturity, re-shape cultural boundaries and dispel age-related stereotypes associated with getting older. They are leaders in our families, in our workplaces and in our communities.

One of these leaders is a 71-year-old man from Davenport, Iowa. Larry Sinclair understands the value of helping others. Through his initiative, compassion, and commitment, he has touched the lives of many in the Davenport community.

Originally from Maine, Mr. Sinclair and his wife, Sylvia, moved to Davenport in 1959. A 33-year veteran of the Rock Island Arsenal, Mr. Sinclair became involved with helping seniors after his retirement. At the time, his mother in Maine was suffering from Alzheimer's Disease and the distance prevented Mr. Sinclair from helping his sister care for her on a regular basis.

After hearing a presentation at church about respite assistance for caregivers, Mr. Sinclair decided it was time to get involved. Although he couldn't go to Maine to give his sister the respite she needed, he could provide help to caregivers in Davenport. For eight years, Mr. Sinclair volunteered up to 10 hours a week to provide relief to caregivers in the community. Although he is no longer actively involved in the program, he still keeps in touch with several of families that he worked with over the years.

Mr. Sinclair's commitment to seniors in the community has been instrumental in the success of one of the few all-volunteer congregate meal sites in Iowa. Eleven years ago, Mr. Sinclair helped establish the meal site at his church. Every Tuesday, he and his wife spend the their day serving a meal to 25–30 seniors. Mr. and Mrs. Sinclair do everything from meal pick-up in the morning to clean-up in the afternoon. Although Mr. Sinclair has the formal title of meal site manager, he gives much of the credit to his wife. He says the two of them make a ''pretty good team.''

Mr. Sinclair also is highly active in the Great River Bend Area Agency on Aging. He has been a member of the agency's policy board for the past six years, serving as its president last year and vice president this year. As an Operation Restore Trust volunteer he makes presentations to various senior groups, nursing homes and assisted living facilities about Medicare fraud and abuse. He has served as a delegate to aging association meetings in Washington, DC, and he is a member of the agency's nutrition committee and services committee.

In 1959, Mr. Sinclair became a charter member of the West Park Presbyterian Church and he is still actively involved in serving the congregation. Friends know that if they need help, Mr. Sinclair is the first one to call. He serves as an elder in the church and chairman of the committee that is responsible for programming church activities and fundraisers. Mr. Sinclair says he feels it is important for people like him, who have the time to help, to do what they can to keep the church growing for younger members.

A devoted family man, Mr. Sinclair has been married to his wife Sylvia for 50 years. The couple has three daughters, four grandchildren and one great-grandchild. Mr. Sinclair stays physically active by walking with his wife three miles a day. In addition, he enjoys golfing and biking.

With all of these activities, Mr. Sinclair's friends sometimes wonder if he is one of those people who just can't say no. But, Mr. Sinclair refutes that characterization, saying he chooses not to say no because he enjoys what he does.

I want to thank Mr. Sinclair for his contributions to the Davenport community. His initiative and compassionate concern for others is an example to us all that we should always be willing to help others, no matter what our age.•

DR. J. ROBERT SCHRIEFFER

• Mr. GRAHAM. Mr. President, I rise today to recognize a distinguished Floridian, and noted scientist, Dr. J. Robert Schrieffer.

On May 31, 2001, Dr. Schrieffer will celebrate his 70th birthday, and I would like to join his many friends and colleagues in extending my best wishes on this special day.

Dr. Schrieffer is a graduate of Eustis High School in Florida, whose studies took him to the University of Illinois, the University of Pennsylvania, and the University of California in Santa Barbara. In 1972, he won the Nobel Prize in Physics for his research on superconductivity.

We welcomed Dr. Schrieffer back to Florida in 1991 when he became the Chief Scientist of the National High Magnetic Field Laboratory at Florida State University in Tallahassee. His dedication has meant that this laboratory has become one of the world's preeminent sites for high magnetic field research.

Dr. Schrieffer also serves as a University Eminent Scholar at Florida State. He received the National Medal of Science in 1984. He has been a member of the Council of the National Academy of Science since 1990. He served as President of the American Physical Society in 1996, and was the recipient of the prestigious Oliver E. Buckely Solid State Physics prize in 1968.

The State of Florida, and the Magnetic Laboratory, are fortunate to have Dr. Schrieffer's expertise and enthusiasm. I join Dr. Schrieffer's many friends and colleagues who will undoubtably be wishing him all the best on May 31st of this year.●

RETIREMENT OF CAROL HURT

● Mr. BOND. Mr. President, I rise to make a few comments on the retirement of Carol Hurt and her 25 years of dedication to Missouri.

On June 1, 2001, Carol Hurt will retire from the State of Missouri. Her long and varied career has spanned more than 25 years, beginning at the Department of Revenue in 1976. Since then she has held the position of Assistant Director of Administration in the Attorney Generals office and Director of Administration in the State Auditors office. As Governor, I had the privilege to work with Carol Hurt when she was Office Manger for the Governor's office, as did my successor John Ashcroft.

Carol currently serves as a member of the Professional Advisory Board for the Business and Public Administration department for the University of Missouri, the Missouri Institute of Public Administrators and the Association of Governmental Accountants. She has also served the community as a board member for the Greater Missouri Women's Leadership Foundation, Homemaker Heath Care and Rotary International.

Carol will complete her distinguished career of dedication and service at the Missouri Department of Transportation where she is a Senior Human Resource Specialist.

I would like to thank Carol Hurt for her commitment to the state of Missouri and for all her hard work. I join with her family, friends, and colleagues in congratulating her on this outstanding accomplishment and wish her the best in all her future endeavors.●

DEPARTURE OF JAMES A. HARMON FROM THE U.S. EXPORT-IMPORT BANK

● Mrs. CLINTON. Mr. President, I would like to recognize the accomplishments of James A. Harmon, the outgoing Chairman of the Export-Import Bank of the United States. When Chairman Harmon steps down from this position on May 25, he will have served Ex-Im Bank for 4 years, one of the longest terms as Chairman in the Bank's history.

Chairman Harmon came to Ex-Im Bank in 1997 after a distinguished 38-year career as an investment banker in New York. He brought his wealth of private sector experience to Washington and immediately set about the task of enhancing Ex-Im Bank's ability to achieve its important mission, supporting U.S. jobs through exports.

One of the early challenges he had to face was the global financial crisis that hit Asia and other emerging markets in 1997–98. Recognizing the important role Ex-Im Bank could play in this crisis, Chairman Harmon directed the Bank to extend much needed credit to many of the impacted Asian nations to keep trade flowing between this region and the United States. Perhaps the most dramatic example was in South Korea, where Ex-Im Bank provided $1 billion of short-term export credit insurance for South Korean banks that allowed South Korean businesses to purchase urgently needed raw materials and equipment from the United States. Ex-Im Bank supported more than 2,400 transactions in South Korea during this crucial period, compared to less than 60 the prior year. Ex-Im Bank also worked to shore up the struggling Asian markets by coordinating assistance for the region from the other major export credit agencies. Ex-Im Bank's aggressive response to the Asian financial crisis helped stabilize these economies and keep U.S. goods and services flowing to the region until commercial financing was once again available.

Under Chairman Harmon's leadership, Ex-Im Bank forged into new markets in an effort to increase opportunities for U.S. exporters. I am particularly pleased to cite the Bank's expanded involvement in Africa. During Chairman Harmon's tenure, Ex-Im Bank unveiled new programs for facilitating U.S. exports to sub-Saharan Africa and expanded the number of countries in this region for which financing support is available. Notably, Chairman Harmon demonstrated his personal commitment to sub-Saharan Africa by traveling to the region three times, becoming the first Ex-Im Bank Chairman to visit southern Africa. The results of these efforts have been dramatic. Ex-Im Bank support for transactions in sub-Saharan Africa rose from $50 million in 1998 to nearly $1 billion in 2000. I know from my own visits to sub-Saharan Africa the vital importance of increased U.S. trade with the region and I commend Chairman Harmon for his efforts.

Ex-Im Bank also enhanced its presence in Russia and the New Independent States, developing innovative financing structures that allowed U.S. exporters to capitalize on the vast opportunities of this market. In June 2000, Ex-Im Bank launched a Southeast Europe Initiative to develop U.S. trade opportunities in Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Macedonia and Romania, an initiative that can help foster the development of these emerging market economies as well as benefit U.S. exporters.

While working to support exports to new markets abroad, Chairman Harmon also pushed Ex-Im Bank to reach out to new groups of exporters here at home. During Chairman Harmon's tenure, Ex-Im Bank implemented program changes and marketing efforts aimed at expanding its support for women- and minority-owned businesses, two groups that have traditionally had difficulty accessing export financing. Chairman Harmon also made environmental exports a top priority, recognizing both the potential export opportunities for U.S. producers of environmental goods and services and the importance of promoting environmentally sound development. At the same time, Chairman Harmon championed the need for greater environmental responsibility in export financing, urging his G–7 and other major export credit agency counterparts to adopt uniform, meaningful environmental standards for the projects they finance.

Jim Harmon has worked tirelessly at Ex-Im Bank to create high-paying export-related jobs here at home by expanding opportunities for U.S. exporters abroad. I am pleased to welcome him back to New York after four years of distinguished service to Ex-Im Bank and the Nation.●

TRIBUTE TO KAHUKU HIGH AND INTERMEDIATE SCHOOL

● Mr. INOUYE. Mr. president, I rise in tribute to Kahuku High and Intermediate School located in Kahuku, Hawaii, for its outstanding performance in the ''We the People . . . The Citizen and the Constitution'' national finals held on April 21–23, 2001, in Washington, DC.

The following Kahuku students competed in the Competition: Brooke Barker, Chenoah Couvillion, Daniel Ditto, James Hayes, Erin Hickman, Dana Ishii, Mostaffah Karodia, Rachael Kekaula, Justin Keys, Losaline Lautaha, Vaueli Ma Sun, Brad Makaiau, Brenda McCallum, Melodie Navalta, Kauilania Ostrem, Travis Ostrem, Jill Peterson, Andrew Pontti, Karess Purcell, Florangelie Ramirez, Dylan Small, Savani Toluta'u, Talahiva Tuifua, Masina Tutor, Jake Whetten, and Melissa Zolkeply.

I commend these young scholars for their remarkable understanding of the fundamental ideals and values of America's constitutional government.

Their hard work, sacrifice, and diligence have earned them national distinction, and I join their family and friends in applauding their efforts. These students are our Nation's future leaders, and they someday may be seated on this floor as Senators. Please join me in recognizing them for they are a source of pride, not only for their school and their home State, but also for our Nation.●

TRIBUTE TO FRED KOCHER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Fred Kocher of Portsmouth, New Hampshire, on being honored as the 2001 Journalist of the Year by the Small Business Administration.

Fred has been the host of New Hampshire's Business for eight years. Every week he reports on the local, regional and national business environment analyzing companies, business trends and economic indicators.

Fred has enhanced the awareness of the issues that face business owners in our state, region and country. He has worked diligently to benefit the business community and has also been a strong advocate on behalf of small business entrepreneurs in New Hampshire.

He is a former small business owner who helped create the New Hampshire International Trade Resource Center in Portsmouth. Fred is currently the Director of Corporate Communications and Investor Relations for NEON Communications, Inc.

Fred has been a contributor to his community serving as president of the New Hampshire High Technology Council and he also served as president of the New Hampshire International Trade Association. Fred is the creator and chairman of the ''Politics & Eggs'' statewide breakfast series that allows members of the business community to hear directly from presidential candidates every four years.

Fred Kocher has served the citizens of New Hampshire with selfless dedication. I commend him for his contributions to the business community of our state. It is an honor and a privilege to represent him in the United States Senate.●

TRIBUTE TO MARIE MEUNIER-BOUCHARD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Marie Meunier-Bouchard of Conway, New Hampshire, on being honored as the 2001 Small Business Exporter of the Year by the Small Business Administration.

Marie is the owner of Wild Things, Inc. which designs and manufactures state-of-the-art lightweight climbing equipment and clothing for expedition and mountain climbing. The business sells its products domestically and has also increased export sales to over $3 million. The largest overseas accounts for Wild Things, Inc. includes companies in Korea, Singapore and Hong Kong.

Marie has worked with selfless dedication to the success of her business. She has provided quality products to both the domestic and international markets resulting in impressive financial achievement for the company.

She is a native of France and graduate of the University of Geneva in Switzerland, and is an accomplished mountain climber. Her company was founded in 1981 and sales have grown to $4 million in 2001. Wild Things, Inc. has 15 employees in North Conway and Gorham, and contracts other manufacturing jobs in Chatham and Silver Lake, New Hampshire.

Marie is a proven business leader in the New Hampshire community. I commend her for her selfless dedication to the betterment of her company and the business community in our state. It is an honor and a privilege to represent her in the United States Senate.●

TRIBUTE TO CHARLES W. KELLER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Charles W. Keller of Meredith, New Hampshire, for the honor of receiving the 2001 New Hampshire Small Business Person of the Year Award from the Small Business Administration.

Charles is the president and CEO of C.W. Keller & Associates, Inc., of Plaistow, New Hampshire. His firm manufactures high-end retail display fixtures and executive office furnishings.

He started his business in his garage in the early 1970's as a one-person business. Since then, his firm has experienced steady growth and now employs 35 people, grosses more than $5 million annually, and has expanded its operation projects in Boston, New York, Washington, Los Angeles and the Middle East.

Charles has been recognized by the Small Business Administration as an outstanding business owner who has worked diligently and successfully at building his firm. His talented staff and quality products have attributed to the success of C.W.Keller & Associates, Inc.

Charles has been a strong supporter of the community at large and has served as a director with the New England Chapter of the Architectural Woodwork Institute, for five years. He is also a member of the National Association of Store Fixture Manufacturers. His company contributes to many charitable organizations including the American Cancer Society and the Diabetes Foundation.

Charles Keller has served the citizens of New Hampshire with dedication and charity. I commend him for his success in his business and for his generosity to the charitable organizations in our state. It is an honor and a privilege to represent him in the United States Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by 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 nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE GOVERNMENT OF LIBERIA—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to expand the scope of an existing national emergency in response to the unusual and extraordinary threat posed to the foreign policy of the United States by the Government of Liberia's complicity in the illicit trade in diamonds from Sierra Leone by the insurgent Revolutionary United Front of Sierra Leone (RUF) and by the Government of Liberia's other forms of support for the RUF. I also have exercised my statutory authority to issue an Executive Order that prohibits the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia. These actions are mandated in part by United Nations Security Council Resolution 1343 of March 7, 2001.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under the IEEPA and the United Nations Participation Act, 22 U.S.C. 287c, to implement this prohibition. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive Order.

I am enclosing a copy of the Executive Order I have issued. The Order was effective at 12:01 a.m. eastern daylight time on May 23, 2001.

I have authorized these measures in furtherance of Executive Order 13194 of January 18, 2001, and in response to the Government of Liberia's continuing facilitation of and participation in the

RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF. The Government of Liberia's actions in this regard constitute an unusual and extraordinary threat to the foreign policy of the United States because they directly challenge United States foreign policy objectives in the region and the rule-based international order that is crucial to the peace and prosperity of the United States.

In Executive Order 13194, President Clinton responded to the RUF's illicit arms-for-diamonds trade that fuels the brutal, decade-long civil war in Sierra Leone by declaring a national emergency and, consistent with United Nations Security Council Resolution 1306, by prohibiting the importation into the United States of all rough diamonds from Sierra Leone except for those importations controlled through the certificate of origin regime of the Government of Sierra Leone. In a report issued on December 14, 2000, the United Nations Panel of Experts established pursuant to resolution 1306 found that diamonds represent a major and primary source of income for the RUF to sustain and advance its military activities; that the bulk of the RUF diamonds leaves Sierra Leone through Liberia; and that such illicit trade cannot be conducted without the permission and involvement of Liberian government officials at the highest levels. The Panel recommended, among other things, a complete embargo on all diamonds from Liberia until Liberia demonstrates convincingly that it is no longer involved in the trafficking of arms to, or diamonds from, Sierra Leone.

On March 7, 2001, the Security Council unanimously adopted resolution 1343 to impose sanctions against the Government of Liberia. The resolution determined that the Government of Liberia's active support for the RUF in Sierra Leone and other armed rebel groups in neighboring countries constitutes a threat to international peace and security in the region and decided that all states shall impose an immediate arms embargo on Liberia and also shall impose travel and diamond bans on Liberia on May 7, 2001, unless the Council determined before that date that the Government of Liberia had ceased its support for the RUF and for other armed rebel groups and, in particular, had taken a number of concrete steps identified in the resolution. In furtherance of this resolution, the Secretaries of State, Commerce, and Defense have taken steps, under their respective authorities, to implement the arms embargo.

With regard to the travel ban and diamond embargo, the Government of Liberia has failed, notwithstanding the two-month implementation period granted by resolution 1343, to honor its commitments to cease its support for the RUF and other armed rebel groups. As a result, the Security Council did not determine that Liberia has complied with the demands of the Council.

In Proclamation 7359 of October 10, 2000, President Clinton suspended the entry as immigrants and nonimmigrants of persons who plan, engage in, or benefit from activities that support the RUF or that otherwise impede the peace process in Sierra Leone. The application of that Proclamation implements the travel ban imposed by resolution 1343.

Finally, for the reasons discussed above and in the enclosed Executive Order, I also have found that the Government of Liberia's continuing facilitation of and participation in the RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF contribute to the unusual and extraordinary threat to the foreign policy of the United States described in Executive Order 13194 with respect to which the President declared a national emergency. In order to deal with that threat, and consistent with resolution 1343 and this finding, I have taken action to prohibit the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated there, in order to contribute to the international effort to bring a prompt end to the illicit arms-for-diamonds trade by which the RUF perpetuates the tragic conflict in Sierra Leone. This action, as well as those discussed above, also expresses our outrage at the Government of Liberia's ongoing contribution to human suffering in Sierra Leone and other neighboring countries, as well as its continuing failure to abide by international norms and the rule of law.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 23, 2001*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1946. A communication from the Assistant Director for Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Navy; to the Committee on Armed Services.

EC–1947. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, International Security Policy; to the Committee on Armed Services.

EC–1948. A communication from the Assistant Director for Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Air Force; to the Committee on Armed Services.

EC–1949. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of Defense, Acquisition, Technology and Logistics; to the Committee on Armed Services.

EC–1950. A communication from the Acting Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report relative to establishing and adjusting schedules of compensation; to the Committee on Banking, Housing, and Urban Affairs.

EC–1951. A communication from the Secretary of the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Appliance Labeling Rule'' (RIN3084–AA74) received on May 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1952. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Two-Step Stock Acquisitions'' (Rev. Ruls. 2001–26, –23) received on May 15, 2001; to the Committee on Finance.

EC–1953. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, Force Management Policy, received on May 17, 2001; to the Committee on Armed Services.

EC–1954. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison of the Personnel Computer Support function at Randolph Air Force Base, Texas; to the Committee on Armed Services.

EC–1955. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, a report relative to a cost comparison to reduce the cost of Heat Plant function at Whiteman Air Force Base, Missouri; to the Committee on Armed Services.

EC–1956. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States'' (RIN115–AG17) received on May 17, 2001; to the Committee on the Judiciary.

EC–1957. A communication from the General Counsel of the United States Marshal Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Revision to United States Marshals Service Fees for Services'' (RIN1105–AA64) received on May 17, 2001; to the Committee on the Judiciary.

EC–1958. A communication from the Secretary of the Judicial Conference of the United States, transmitting, a draft of proposed legislation entitled ''Federal Courts Improvement Act of 2001'' received on May 10, 2001; to the Committee on the Judiciary.

EC–1959. A communication from the Chairman of the Broadcasting Board of Governors of the United States, transmitting, pursuant to law, a draft of proposed legislation entitled ''International Broadcasting Authorization Act, Fiscal Years 2002 and 2003'' received on April 25, 2001; to the Committee on Foreign Relations.

EC–1960. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report under the National Defense Authorization Act for calendar year 1999; to the Committee on Foreign Relations.

EC–1961. A communication from the Acting Assistant Secretary of Legislative Affairs,

Department of State, transmitting, pursuant to law, Presidential Determination Number 2001–13, relative to the Palestine Liberation Organization; to the Committee on Foreign Relations.

EC–1962. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2001–14, relative to Ireland; to the Committee on Foreign Relations.

EC–1963. A communication from the Deputy Director and Senior Agency Official of the Institute of Museum and Library Services, transmitting, pursuant to law, the annual Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–1964. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Records Disposition; Technical Amendments'' (RIN3095–AB02) received on May 17, 2001; to the Committee on Governmental Affairs.

EC–1965. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Service Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 97–25'' (FAC 97–25) received on May 15, 2001; to the Committee on Governmental Affairs.

EC–1966. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a draft of proposed legislation entitled ''Merit Systems Protection Board Reauthorization Act of 2001'' received on May 17, 2001; to the Committee on Governmental Affairs.

EC–1967. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerance'' (FRL6784–7) received on May 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1968. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)'' (FRL6782–1) received on May 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1969. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aspergillus flavus AF36; Extension of Temporary Exemption from the Requirement of a Tolerance'' (FRL6781–7) received on May 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1970. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyfluthrin; Pesticide Tolerances for Emergency Exemptions'' (FRL6781–8) received on May 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1971. A communication from the Acting Administrator of the Livestock and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Beef Promotion and Research Rules and Regulations'' (Doc. No. LS–98–005) received on May 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1972. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Decreased Assessment Rates'' (Doc. No. FV01–930–1 FIR) received on May 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1973. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a draft of proposed legislation relative to authorization of appropriations for Fiscal Year 2002; to the Committee on Environment and Public Works.

EC–1974. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule for Endangered Status for Astragalus pycnostachyus var. lanosissimus (Ventura marsh milk-vetch)'' (RIN1018–AF61) received on May 15, 2001; to the Committee on Environment and Public Works.

EC–1975. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation; Administrative Amendments'' (FRL6955–3) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1976. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Drinking Water State Revolving Fund Monies'' (FRL6978–7) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1977. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Stage II Vapor Recovery Regulations for Southwest Pennsylvania'' (FRL6981–5) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1978. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Distilled Spirits Facilities'' (FRL6979–3) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1979. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Repeal of Petroleum Refinery Regulations'' (FRL6979–6) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1980. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Coconino County, Mohave County, and Yuma County'' (FRL6916–2) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1981. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Jersey; Nitrogen Oxides Budget and Allowance Trading Program'' (FRL6979–1) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1982. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York; Nitrogen Oxides Budget and Allowance Trading Program'' (FRL6979–2) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1983. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District'' (FRL6980–4) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1984. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Special Regulations for the Preble's Jumping Mouse (Zapus hudsonius preblei)'' (RIN1018–AF30) received on May 16, 2001; to the Committee on Environment and Public Works.

EC–1985. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of West Virginia; Control of Emissions from Existing Municipal Solid Waste Landfills'' (FRL6983–6) received on May 17, 2001; to the Committee on Environment and Public Works.

EC–1986. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption; Alpha-Acetolactate Decarboxylase Enzyme Preparation'' (Doc. No. 92F–0396) received on May 21, 2001; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–67. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to a comprehensive national energy policy; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 43

Whereas, the nation needs an effective, comprehensive national energy policy which will have an enduring impact on the supply and demand for energy in a manner that will help sustain the strength of the U.S. economy and improve the quality of life in this nation and around the world; and

Whereas, a national energy policy can help ensure that there are energy supplies sufficient to support economic growth with an eye towards improving the quality of life for people the world over; and

Whereas, a national energy policy should encourage responsible use of energy and responsible development of energy resources and efficiencies in order to meet the nation's expectations for secure energy sources while

preserving and protecting the nation's environmental health through performance-based regulations founded on sound science; and

Whereas, a national energy policy should support basic and applied scientific research to improve energy availability, conservation, utilization, and environmental performance and should encompass the development, availability, and use of a multitude of different energy sources and fuels; and

Whereas, a national energy policy should incorporate and encourage the significant advances in technology through the past several years which can improve energy production and delivery practices and should incorporate new discoveries and developments of energy resources, particularly those which will cause minimal environmental impact; and

Whereas, recent undesirable experiences with the inability to obtain sufficient energy in some states in this great nation are a good indication of the drastic consequences of a lack of preparation for the ever-changing and rapidly expanding universe of energy development, production, and consumption; and

Whereas, the oil and gas industry has developed technology which reduces the footprint of oil and gas development to a minimum and the industry mitigates this minimal wetlands impact with offsetting environmental enhancements in accordance with Louisiana's no net loss of wetlands policy; and

Whereas, the oil and gas industry has demonstrated its ability to develop outer continental shelf (OCS) resources in a manner which is environmentally responsible and technologically state of the art, resulting in minimal offshore environmental impact and extraordinary hydrocarbon production in the Gulf of Mexico; and

Whereas, Lease Sale 181 offers an area of the Gulf of Mexico with significant oil and gas potential which can be developed with minimal environmental risk, and it is responsible to include the potential of this sale in any national energy plan; and

Whereas, the Coastal Zone Management Act, reauthorization of which is currently pending in congress, contains certain provisions which have been applied in an unreasonable manner to the detriment of securing OCS energy, and congress should be urged, as a matter of national energy policy, to use the pending legislation to reform such provisions and to reform coastal zone management policies generally: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the U.S. Congress to adopt a national energy policy which will prepare our nation for the future through a comprehensive plan for the development, production, delivery, conservation, and consumption of all manner of sources of energy, for a future that includes economic growth and development which allow a better quality of life for all people of the world. Be it further

Resolved, That this policy should specifically include strong support for Lease Sale 181 and for reform of the Coastal Zone Management Act to reflect the original intent of the Act to encourage multiple-use and energy development in an environmentally responsible way. Be it further

Resolved, That a copy of this Resolution be transmitted to each member of the Louisiana congressional delegation and to the presiding officer of each house of the U.S. Congress. Be it further

Resolved, That a copy of this Resolution be transmitted to the President and Vice President of the United States.

POM–68. A concurrent resolution adopted by the House of the Legislature of the State of Hawaii relative to Pacific Basin Agricultural Research Center; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 87

Whereas, the Legislature in partnership with local citizens, the Department of Agriculture, the University of Hawaii, the United States Department of Agriculture, certain Hawaii and other states' congressional offices, the United States Army, through the Hawaii office of the Small Business Administration, the Rural Economic Transition Assistance—Hawaii Program, and after reviewing selected farming and business research over the last several years concluded that Hawaii's physical, biotic, cultural, and social environment is capable of serving the country's chocolate food needs by establishing a uniquely aligned full continuum of cacao farming and chocolate industry in Hawaii; and

Whereas, work by the private industry and state and federal governments to date has resulted in the scientific selection and planting of cacao trees of different varieties to match Hawaii's unique multi-climate environment and soil conditions that is conducive to growing high quality varieties of cacao trees all year long; and

Whereas, it is recognized that Hawaii's unique geographic location, climate, and biotic environment qualifies it as the nation's only state that can grow different varieties of cacao all year long; and

Whereas, there are forty seven cacao growing countries worldwide that currently harvest 3,000,000 metric tons of cacao beans annually to supply the world's growing chocolate industry worth $50,000,000,000 in annual sales; and

Whereas, our nation's current and growing dependency on foreign cacao sources will now be partially relieved by Hawaii's high quality, sub-sector premium commodity priced cacao beans; and

Whereas, the United States is domestically growing a new agricultural product that is an important food for our nation's citizens and a food that incorporates other U.S. farm products, such as sugar, milk nuts, and others, to manufacture chocolate; and

Whereas, the United States Department of Agriculture historically and currently funds foreign cacao farming research, including cacao germplasm centers, pests and disease control work, and flavor testing; and

Whereas, by virtue of this Concurrent Resolution, Hawaii announces its intent to compete for such federal funds to shift certain existing funding and other support to Hawaii; and

Whereas, Hawaii will attract world attention to its cacao farming practices and its chocolate manufacturing work, which is aligned with its growing recognition as a high technology, knowledge-based industry state with a broad range of unique human, capital and other resource capabilities; and

Whereas, cacao farming in Hawaii provides a new domestic farming opportunity for Hawaii-based private industry to establish a full continuum of chocolate production including manufacturing, marketing, selling, and commodity trading of cacao beans and chocolate products for Hawaii, the mainland, and the rest of the world's markets; and

Whereas, the enactment of Act 188, Session Laws of Hawaii 2000 that provided $10,000,000 to facilitate construction of new manufacturing facilities in Hawaii county significantly helped launch a new Hawaii-based $22,000,000 (initial capitalization), high technology chocolate manufacturing industry that is fully integrated with multi-island private sector cacao nursery and farming operations located on former sugar cane lands in communities where there is high unemployment and underemployment of farmers and manufacturing workers; and

Whereas, these displaced plantation workers are ideally suited for the continuing employment available through the cacao industry; and

Whereas, Hawaii recognizes the establishment of the new $55,000,000 investment in the Pacific Basin Agricultural Research Center in Hilo, Hawaii, which significantly advances the work by the Center in the following areas:

(1) Tropical plant genetic resource management;

(2) Tropical plant physiology, disease and production;

(3) Tropical plant pests research;

(4) Post harvest tropical commodities research; and

(5) Tropical aquaculture management; and

Whereas, cacao farming and chocolate manufacturing in Hawaii is a generational opportunity given the thirty-plus year life of the cacao tree coupled with the additional value of cacao processing and chocolate manufacturing facilities; and

Whereas, cacao farming is a globally valuable food industry that can contribute to a healthy commercial economy that in turn materially contributes to the overall health and well-being of Hawaii; and

Whereas, continuous quality improvement from cacao seed to chocolate sale, over the full continuum of cacao farming, chocolate manufacturing, marketing and sales work, is at the center of Hawaii's national and global private and public operating strategies; and

Whereas, both the United States and Europe each annually consume about one-third of the $50,000,000,000 in global chocolate industry production with the remaining third consumed in the growing Asian Pacific, South and Central American and other countries; and

Whereas, except for Hawaii, major world chocolate manufacturing facilities are located in temperate climate zones that cannot farm cacao; and

Whereas, only forty-seven countries located within twenty degrees of the equator can grow cacao with Hawaii predicting that it can grow approximately five per cent of the world's cacao production within a decade at which time it will rank in the top ten of cacao producing countries in the world; and

Whereas, certain cacao growing foreign countries also farm plants that supply the raw material for the growing worldwide of illegal drug crops; and

Whereas, the federal government funds initiatives to encourage these foreign countries to concentrate their farming efforts on new crops such as cacao farming instead of illegal drugs; and

Whereas, the county of Hawaii, the State, the United States Department of Agriculture, the Pacific Basin Agricultural Research Center, and Hawaii's congressional delegation have received solid synergistic encouragement and endorsement from the Chocolate Manufacturers Association, the National Confectioners Association, and the American Cocoa Research Institute to establish a world class U.S. Department of Agriculture—Pacific Basin Agricultural Research Center managed cacao germplasm center in Hawaii; and

Whereas, all of these organizations note that a Hawaii-based cacao germplasm center will provide high quality and professional cacao research in Hawaii, which is environmentally sound and historically safe from natural disasters and social turmoil; and

Whereas, support from the chocolate industry for Hawaii's cacao farming and chocolate enterprises was significantly advanced as a result of the authorization to issue $10,000,000 in state special purpose revenue bonds to assist Hawaii Gold Cacao Tree, Inc., with the

construction of its chocolate and cacao manufacturing facility in Hawaii; and

Whereas, the special purpose revenue bonds demonstrated Hawaii's commitment to cacao farming and to securing a U.S. Department of Agriculture—Pacific Basin Agricultural Research Center-managed cacao germplasm center: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, the Senate concurring, That the Congress and the U.S. Department of Agriculture are urged to establish and fund a U.S. Department of Agriculture—Pacific Basin Agricultural Research Center-managed cacao germplasm center in Hawaii; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Secretary of the U.S. Department of Agriculture, and to the members of Hawaii's congressional delegation.

POM–69. A resolution adopted by the House of the Legislature of the State of Hawaii relative to children with disabilities; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 38

Whereas, under Title 20, section 1411(a) of the United States Code, the maximum amount of federal funds that a state may receive for special education and related services is the number of children with disabilities in the State who are receiving special education and related services multiplied by forty per cent of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, since the enactment of the Education for all Handicapped Children Act of 1975 and its subsequent amendments, including the Individuals with Disabilities Education Act of 1990, Congress has appropriated funds for a maximum of ten per cent of special education and related services for children with disabilities when federal law authorizes the appropriation of up to forty per cent; and

Whereas, the Hawaii Department of Education received approximately $23,500,000 in federal funds during fiscal year 1999–2000 for what was then referred to as ''education of the handicapped''. If this figure represented an appropriation of funds for ten per cent of special education and related services for children with disabilities, then an appropriation of forty per cent would have equaled $94,000,000; and

Whereas, the difference between an appropriation of forty per cent and an appropriation of ten per cent for ''education of the handicapped'' would amount to $70,500,000 just for the Department of Education. If the number of students receiving special education and related services equaled 22,000 during fiscal year 1999–2000, then the difference would have amounted to approximately $3,200 per student; and

Whereas, the State of Hawaii, through the Felix consent decree, is being compelled by the federal district court to make up for more than twenty years of insufficient funding for special education and related services—funding that should have been borne substantially by Congress, which enacted the Education for All Handicapped Children Act of 1975 and the Individuals with Disabilities Education Act of 1990; and

Whereas, if Congress is going to mandate new programs or increase the level of service under existing programs for children with disabilities, and if it is going to give the federal courts unfettered power to enforce these mandates through the imposition of fines and the appointment of masters, then Congress should provide sufficient funding for special education and related services: Now, therefore, be it

Resolved, By the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2001, that the United States Congress is requested to appropriate funds for forty per cent of special education and related services for children with disabilities; and be it further

Resolved, That certified copies of this Resolution be transmitted to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, the Vice-President of the United States, and the members of Hawaii's congressional delegation.

POM–70. A resolution adopted by the Senate of the Legislature of the Commonwealth of Kentucky relative to the Railroad Retirement and Survivors' Improvement Act; to the Committee on Finance.

RESOLUTION NO. 70

Whereas, the Railroad Retirement and Survivors' Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the entire Kentucky delegation to Congress; and

Whereas, more than 80 United States Senators, including both Kentucky Senator Mitch McConnell and Kentucky Senator Jim Bunning, signed letters of support for this legislation in 2000; and

Whereas, the bill now before the 107th Congress modernizes the railroad retirement system for its 748,000 beneficiaries nationwide, including over 16,600 in Kentucky; and

Whereas, railroad management, labor, and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroad, Amtrak, and commuter lines; and

Whereas, this legislation provides benefits improvements for surviving spouses of rail workers who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share by active employees: Now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. This honorable body hereby urges the United States Congress to support the Railroad Retirement and Survivors' Improvement Act in the 107th Congress.

Section 2. That the Clerk of the Senate is hereby directed to transmit a copy of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of the Kentucky Congressional delegation, and to the United Transportation Union, 3904 Bishop Lane, Suite #5, Louisville, KY 40218.

POM–71. A resolution adopted by the City Counsel of Napavine, Washington relative to the Memorial Day holiday; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 581: A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

S. 378: A bill to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the ''Paul Simon Chicago Job Corps Center.''

S. 468: A bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the ''James C. Corman Federal Building.''

S. 757: A bill to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse.''

S. 774: A bill to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the ''Lee H. Hamilton Federal Building and United States Courthouse.''

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

Alphonso R. Jackson, of Texas, to be Deputy Secretary of Housing and Urban Development.

Romolo A. Bernardi, of New York, to be an Assistant Secretary of Housing and Urban Development.

John Charles Weicher, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Richard A. Hauser, of Maryland, to be General Counsel of the Department of Housing and Urban Development.

By Mr. MURKOWSKI for the Committee on Energy and Natural Resources.

Lee Sarah Liberman Otis, of Virginia, to be General Counsel of the Department of Energy.

Patrick Henry Wood III, of Texas, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2005.

J. Steven Griles, of Virginia, to be Deputy Secretary of the Interior.

Nora Mead Brownell, of Pennsylvania, to be a Member of the Federal Energy Regulatory Commission for a term expiring June 30, 2006.

Nora Mead Brownell, of Pennsylvania, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2001.

(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.)

Jessie Hill Roberson, of Alabama, to be an Assistant Secretary of Energy (Environmental Management).

By Mr. SMITH for the Committee on Environment and Public Works.

Stephen L. Johnson, of Maryland, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

Linda J. Fisher, of the District of Columbia, to be Deputy Administrator of the Environmental Protection Agency.

James Laurence Connaughton, of the District of Columbia, to be a Member of the Council on Environmental Quality.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THOMPSON for the Committee on Governmental Affairs.

John D. Graham, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Stephen A. Perry, of Ohio, to be Administrator of General Services.

Angela Styles, of Virginia, to be Administrator for Federal Procurement Policy.

(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.)

Maurice A. Ross, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Erik Patrick Christian, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed.)

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Foreign Relations pursuant to the order of May 23, 2001:

Howard H. Baker, Jr., of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Howard H. Baker, Jr.

Post: U.S. Ambassador to Japan.

Contributions, Amount, Date, and Donee:

1. Self, Howard H. Baker, Jr.: 8/25/00, Frist 2000—General Election (In-kind contribution), $1,550.00; 8/21/00, Frist 2000 General Election (In-kind contribution), $300.00; 4/13/01, Frist 2000 Refund for In-kind contribution, −$850.00; 9/25/00, Duncan for Congress—General Election, $1,000.00; 6/9/00, Hal Rogers for Congress, $1,000.00; 5/8/00, Henry J. Hyde for Congress Committee, $100.00; 3/23/00, Friends of Guiliani Exploratory Committee, $1,000.00; 3/23/00, Tennessee Republican Party, $3,000.00; 10/25/99, Henry J. Hyde for Congress Committee, $1,000.00; 9/24/99, Duncan for Congress—Primary Election, $1,000.00; 8/24/99, Elizabeth Dole for President Exploratory Committee Inc., $1,000.00; 8/9/99, Orrin Hatch Presidential Exploratory Committee Inc., $1,000.00; 8/5/99, George W. Bush for President, Inc., $1,000.00; 8/3/99, McCain 2000 Inc., $1,000.00; 7/21/99, Friends of George Allen, $1,000.00; 7/10/99, Van Hilleary for Congress (In-kind contribution) ($1,000 was attributed to primary and $1,000 was attributed to the general election. Remainder was refunded.), $4,873.73; 9/22/99, Van Hilleary for Congress Refund for In-kind Contribution, −$2,873.73; 6/28/99, Alexander for President, $1,000.00; 6/7/99, Tennessee Republican Party, $3,000.00; 3/16/99, Ed Bryant for Congress (In-kind contribution), $300.00; 12/10/98, Frist 2000 Inc., $1,000.00; 10/8/98, Van Hilleary for Congress, $1,000.00; and 3/10/98, Tennessee Republican Party, $3,000.00.

2. Spouse, Nancy Kassebaum Baker: 1/26/00, McCain 2000, $1,000.00; 9/30/99, Greg Musil for Congress Committee, $1,000.00; 6/17/99, WISH List, $200.00; and 2/25/99, WISH List, $250.00.

3. Children and Spouses: Cynthia Baker (daughter), 10/30/00, Van Hilleary for Congress, $1,000.00; Darek D. and Karen Baker (son and daughter-in-law), none; Bill and Jennifer Kassebaum (stepson & stepdaughter-in-law), none; John and Elizabeth Kassebaum (stepson & stepdaughter-in-law), none; Richard Kassebaum (stepson), None; Maurice and Linda Johnson (stepdaughter & stepson-in-law), none.

4. Parents: Dora Ladd Baker, deceased; Howard H. Baker, Sr., deceased; Irene Bailey Baker (stepmother), deceased.

5. Grandparents: Christopher Ladd, deceased; Lillie Cox Ladd, deceased; James Baker, deceased; Helen Keen Baker, deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Mary Stuart (sister), None; Roger Stuart (brother-in-law) 3/10/99, Friends of George Allen, $500.00; Beverly and Mike Patestides (sister & brother-in-law), none.

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. BAUCUS:

S. 935. A bill to authorize the negotiation of a Free Trade Agreement with the commonwealth of Australia, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mr. ALLARD (for himself, Mr. JOHNSON, and Mr. THOMAS):

S. 936. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. WARNER, Mr. LEVIN, Mr . KENNEDY, Mr. REED, Ms. LANDRIEU, Mrs. CARNAHAN, Mr. DAYTON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 937. A bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance the Montgomery GI Bill by members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JEFFORDS (for himself, Mr. DODD, Mr. FITZGERALD, and Mr. BROWNBACK):

S. 938. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 939. A bill to amend the Immigration and Nationality Act to confer citizenship automatically on children residing abroad in the legal and physical custody of a citizen parent serving in a Government or military position abroad; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. KENNEDY, and Mr. WELLSTONE):

S. 940. A bill to leave no child behind; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 941. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. HUTCHINSON, Mr. BREAUX, Mr. ENSIGN, Mr. BAUCUS, Mrs. LINCOLN, and Mr. THOMPSON):

S. 942. A bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002; to the Committee on Finance.

By Mr. BAUCUS:

S. 943. A bill to authorize the negotiation of a Free Trade Agreement with New Zealand, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mr. BAUCUS:

S. 944. A bill to authorize the negotiation of a Free Trade Agreement with the Republic of Korea, and to provide for expedited congressional consideration of such an agreement; 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. BROWNBACK (for himself and Mrs. BOXER):

S. Con. Res. 42. A bill condemning the Taleban for their discriminatory policies and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. BYRD, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. ALLEN) 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. 228

At the request of Mr. AKAKA, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 228, a bill to amend title 38,

United States Code, to make permanent the Native American veterans housing loan program, and for other purposes.

S. 229

At the request of Mr. HAGEL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 229, a bill to amend Federal banking law to permit the payment of interest on business checking accounts in certain circumstances, and for other purposes.

S. 281

At the request of Mr. HAGEL, the names of the Senator from California (Mrs. BOXER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 413

At the request of Mr. COCHRAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 472

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 472, a bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

S. 497

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 497, a bill to express the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States should end its use of such mines and join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible, to expand support for mine action programs including mine victim assistance, and for other purposes.

S. 583

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 598

At the request of Mr. BREAUX, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 598, a bill to provide for the reissuance of a rule relating to ergonomics.

S. 621

At the request of Mr. HAGEL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 621, a bill to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

S. 677

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 690

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 694

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. JEFFORDS) 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. 790

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of 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.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 845

At the request of Mr. CRAPO, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource.

S. 913

At the request of Ms. SNOWE, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 920

At the request of Mr. BREAUX, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 92

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Rhode Island (Mr. REED), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Res. 92, a resolution to designate the week beginning June 3, 2001, as ''National Correctional Officers and Employees Week.''

AMENDMENT NO. 741

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 741 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 741 proposed to H.R. 1836, supra.

AMENDMENT NO. 763

At the request of Mr. GRAHAM, the names of the Senator from Maryland

(Ms. MIKULSKI) and the Senator from Florida (Mr. NELSON of Florida) were added as cosponsors of amendment No. 763 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

AMENDMENT NO. 784

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 784 proposed to H.R. 1836, a bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 935. A bill to authorize the negotiation of a Free Trade Agreement with the commonwealth of Australia, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mr. BAUCUS:

S. 943. A bill to authorize the negotiation of a Free Trade Agreement with New Zealand, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mr. BAUCUS:

S. 944. A bill to authorize the negotiation of a Free Trade Agreement with the Republic of Korea and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise to send three separate bills to the desk, S. 935, S. 943, and S. 944. The bills I am introducing provide authority to negotiate bilateral free trade agreements with three important trading partners: New Zealand, Australia, and the Republic of Korea.

Over the next several months, the Senate will turn its attention to international trade. As we do so, we find ourselves under serious scrutiny. Will we be able to reach consensus? Will we be able to break the impasse?

I don't know the answers to these questions. I have been working hard to find common ground on issues like labor and the environment, and on ensuring the strength of our trade laws. I will continue to do so. But we have a long way to go.

As we think about these issues, though, there is another, more subtle logjam within the trade agenda. Right now, our vision of the future seems locked in on sweeping, multilateral agreements, Free Trade for the Americas, the launch of a new round of global trade negotiations under the WTO.

These are enormous and complicated undertakings. These agreements are also major opportunities for trade liberalization, and we should continue to work hard to get agreements that are good for our workers, farmers, and companies.

But it is interesting to listen to the rhetoric. Why can't we advance labor and environment issues in the WTO? Some say developing countries simply would not allow it. Why can't we agree that our fair trade laws are not for sale in FTAA negotiations? Some say Brazil will never relent.

Indeed, our trade policy seems to have become so focused on sweeping multilateral agreements, that we ignore other avenues to trade liberalization—much to the detriment of U.S. competitiveness.

Take a closer look at this so-called trade impasse: The U.S.-Jordan Free Trade Agreement contains extensive and enforceable provisions on labor and the environment. Our free trade agreement with Canada and Mexico also addresses labor and environmental issues, with potential recourse to trade sanctions. We are moving towards completing an agreement with Chile—a country we know is open to labor and environment issues because they just recently struck a free trade agreement with Canada that includes enforceable provisions on both.

What's the moral of this story? It's simple. These agreements demonstrate we can break the impasse on trade.

Indeed, we must move forward where we can, whenever we can. If not fast track for all, then fast-track for some, specifically, those countries where we have strategic commercial and political interests. Those countries that will share our commitment to open markets, and our values for environmental quality and labor rights.

Today, I am introducing legislation that would authorize trade negotiations with Australia, New Zealand, and the Republic of Korea. It would grant fast track consideration for these agreements, while also establishing a general policy framework for future negotiations.

Trade agreements must address the full range of issues, from guaranteeing national treatment and market access, to protecting intellectual property. From promoting electronic commerce to ensuring that countries do not gain unfair advantage by lowering labor and environmental standards. And these agreements must not weaken our fair trade laws.

I believe there are many countries ready to take that deal. Australia and New Zealand are two countries eager to negotiate free trade agreements. We must continue to build our economic alliances in the Asia-Pacific region, and both countries have been strong partners in trade. We must also be realistic. An FTA would present tremendous opportunities, but we must recognize where there are differences. One such difference is the operation of the Australian wheat board, which, despite recent reforms, still works to distort world markets. Agriculture negotiations with both countries would require careful treatment, but should allow us to better work together to reduce unfair trade barriers in other parts of the world.

A trade agreement with Korea will take more time, as the issues are more difficult to resolve. For example, Korea maintains very high tariffs on beef, hurting ranchers in my home state of Montana. High tariffs, high taxes, and other trade-restrictive practices in Korea, reduce the competitiveness of American automobiles from Michigan and Ohio. Government subsidies in Korea undercut American semiconductor manufacturers in Idaho and Utah.

But we must not wait to negotiate agreements until all these problems are solved. Rather, we should use FTA negotiations as part of the solution. And with Korea, there are benefits that extend well beyond trade. An FTA would help lock in Korea's economic and political progress, and would also be an important part of our strategic interests in Asia.

The bottom line is this: while America hesitates on trade liberalization, and while many reject trying to reach a bipartisan consensus, the rest of the world continues to move forward. Regional trade arrangements in Europe, Latin America, and Asia put U.S. exporters at a competitive disadvantage. We lose overseas markets to foreign competitors who enjoy trade preferences for which our farmers, manufacturers, and service providers are ineligible.

I hope this legislation will send a strong signal to the rest of the world: America intends to continue its leadership in the global trading system.

By Mr. ALLARD (for himself, Mr. JOHNSON, and Mr. THOMAS):

S. 936. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Finance.

Mr. ALLARD. Mr. President, today I am pleased to introduce legislation that will expand and improve Subchapter S of the Internal Revenue Code. I am joined in this effort by Senators TIM JOHNSON and CRAIG THOMAS. I have introduced this legislation over the last few years and I am hopeful that this year we can get this important tax legislation enacted.

The Subchapter S provision of the Internal Revenue Code reflect the desire of Congress to eliminate the double tax burden on small business corporations. Pursuant to that desire, Subchapter S has been liberalized a number of times, most recently in 1996. This legislation contains several provisions that will make the Subchapter S election more widely available to small businesses in all sectors. It also contains several provisions of particular benefit to community banks that may be contemplating a conversion to Subchapter S. Financial institutions were first made eligible for the Subchapter S election in 1996. This legislation builds on and clarifies the Subchapter S provisions applicable to financial institutions.

I ask unanimous consent that the text of the bill and an explanation of

the provisions of the bill be printed in the RECORD.

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

S. 936

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 ''Small Business and Financial Institutions Tax Relief Act of 2001''.

SEC. 2. EXPANSION OF S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS.

(a) IN GENERAL.—Section 1361(c)(2)(A) of the Internal Revenue Code of 1986 (relating to certain trusts permitted as shareholders) is amended by inserting after clause (v) the following:

''(vi) A trust which constitutes an individual retirement account under section 408(a), including one designated as a Roth IRA under section 408A.''.

(b) TREATMENT AS SHAREHOLDER.—Section 1361(c)(2)(B) of the Internal Revenue Code of 1986 (relating to treatment as shareholders) is amended by adding at the end the following:

''(vi) In the case of a trust described in clause (vi) of subparagraph (A), the individual for whose benefit the trust was created shall be treated as a shareholder.''.

(c) SALE OF STOCK IN IRA RELATING TO S CORPORATION ELECTION EXEMPT FROM PROHIBITED TRANSACTION RULES.—Section 4975(d) of the Internal Revenue Code of 1986 (relating to exemptions) is amended by striking ''or'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; or'', and by adding at the end the following:

''(16) a sale of stock held by a trust which constitutes an individual retirement account under section 408(a) to the individual for whose benefit such account is established if such sale is pursuant to an election under section 1362(a).''.

(d) CONFORMING AMENDMENT.—Section 512(e)(1) of the Internal Revenue Code of 1986 is amended by inserting ''1361(c)(2)(A)(vi) or'' before ''1361(c)(6)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to trusts which constitute individual retirement accounts on the date of the enactment of this Act in taxable years beginning after December 31, 2001.

SEC. 3. EXCLUSION OF INVESTMENT SECURITIES INCOME FROM PASSIVE INCOME TEST FOR BANK S CORPORATIONS.

(a) IN GENERAL.—Section 1362(d)(3)(C) of the Internal Revenue Code of 1986 (defining passive investment income) is amended by adding at the end the following:

''(v) EXCEPTION FOR BANKS; ETC.—In the case of a bank (as defined in section 581), a bank holding company (as defined in section 246A(c)(3)(B)(ii)), or a qualified subchapter S subsidiary bank, the term 'passive investment income' shall not include—

''(I) interest income earned by such bank, bank holding company, or qualified subchapter S subsidiary bank, or

''(II) dividends on assets required to be held by such bank, bank holding company, or qualified subchapter S subsidiary bank to conduct a banking business, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 4. INCREASE IN NUMBER OF ELIGIBLE SHAREHOLDERS TO 150.

(a) IN GENERAL.—Section 1361(b)(1)(A) of the Internal Revenue Code of 1986 (defining small business corporation) is amended by striking ''75'' and inserting ''150''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 5. TREATMENT OF QUALIFYING DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 of the Internal Revenue Code of 1986 (defining s corporation) is amended by adding at the end the following:

''(f) TREATMENT OF QUALIFYING DIRECTOR SHARES.—

''(1) IN GENERAL.—For purposes of this subchapter—

''(A) qualifying director shares shall not be treated as a second class of stock, and

''(B) no person shall be treated as a shareholder of the corporation by reason of holding qualifying director shares.

''(2) QUALIFYING DIRECTOR SHARES DEFINED.—For purposes of this subsection, the term 'qualifying director shares' means any shares of stock in a bank (as defined in section 581) or in a bank holding company registered as such with the Federal Reserve System—

''(i) which are held by an individual solely by reason of status as a director of such bank or company or its controlled subsidiary; and

''(ii) which are subject to an agreement pursuant to which the holder is required to dispose of the shares of stock upon termination of the holder's status as a director at the same price as the individual acquired such shares of stock.

''(3) DISTRIBUTIONS.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to qualifying director shares shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1361(b)(1) of the Internal Revenue Code of 1986 is amended by inserting '', except as provided in subsection (f),'' before ''which does not''.

(2) Section 1366(a) of such Code is amended by adding at the end the following:

''(3) ALLOCATION WITH RESPECT TO QUALIFYING DIRECTOR SHARES.—The holders of qualifying director shares (as defined in section 1361(f)) shall not, with respect to such shares of stock, be allocated any of the items described in paragraph (1).''.

(3) Section 1373(a) of such Code is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and adding at the end the following:

''(3) no amount of an expense deductible under this subchapter by reason of section 1361(f)(3) shall be apportioned or allocated to such income.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 6. BAD DEBT CHARGE OFFS IN YEARS AFTER ELECTION YEAR TREATED AS ITEMS OF BUILT–IN LOSS.

The Secretary of the Treasury shall modify Regulation 1.1374–4(f) for S corporation elections made in taxable years beginning after December 31, 1996, with respect to bad debt deductions under section 166 of the Internal Revenue Code of 1986 to treat such deductions as built-in losses under section 1374(d)(4) of such Code during the entire period during which the bank recognizes built-in gains from changing its accounting method for recognizing bad debts from the reserve method under section 585 of such Code to the charge-off method under section 166 of such Code.

SEC. 7. INCLUSION OF BANKS IN 3-YEAR S CORPORATION RULE FOR CORPORATE PREFERENCE ITEMS.

(a) IN GENERAL.—Section 1363(b) of the Internal Revenue Code of 1986 (relating to computation of corporation's taxable income) is amended by adding at the end the following new flush sentence:

''Paragraph (4) shall apply to any bank whether such bank is an S corporation or a qualified subchapter S subsidiary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 8. C CORPORATION RULES TO APPLY FOR FRINGE BENEFIT PURPOSES.

(a) IN GENERAL.—Section 1372 of the Internal Revenue Code of 1986 (relating to partnership rules to apply for fringe benefit purposes) is repealed.

(b) PARTNERSHIP RULES TO APPLY FOR HEALTH INSURANCE COSTS OF CERTAIN S CORPORATION SHAREHOLDERS.—Paragraph (5) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

''(5) TREATMENT OF CERTAIN S CORPORATION SHAREHOLDERS.—

''(A) IN GENERAL.—Section 1372 shall apply in the case of any 2-percent shareholder of an S corporation, except that—

''(i) for purposes of this subsection, such shareholder's wages (as defined in section 3121) from the S corporation shall be treated as such shareholder's earned income (within the meaning of section 401(c)(1)), and

''(ii) there shall be such adjustments in the application of this subsection as the Secretary may by regulations prescribe.

''(B) 2-PERCENT SHAREHOLDER DEFINED.—For purposes of this paragraph, the term '2-percent shareholder' means any person who owns (or is considered as owning within the meaning of section 318) on any day during the taxable year of the S corporation more than 2 percent of the outstanding stock of such corporation or stock possessing more than 2 percent of the total combined voting power of all stock of such corporation.''.

(c) CONFORMING AMENDMENT.—The table of sections for part III of subchapter S of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 1372.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 9. EXPANSION OF S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE FAMILY LIMITED PARTNERSHIPS.

(a) IN GENERAL.—Section 1361(b)(1)(B) of the Internal Revenue Code of 1986 (defining small business corporation) is amended—

(1) by striking ''or an organization'' and inserting ''an organization'', and

(2) by inserting '', or a family partnership described in subsection (c)(7)'' after ''subsection (c)(6)''.

(b) FAMILY PARTNERSHIP.—Section 1361(c) of the Internal Revenue Code of 1986 (relating to special rules for applying subsection (b)) is amended by adding at the end the following:

''(7) FAMILY PARTNERSHIPS.—

''(A) IN GENERAL.—For purposes of subsection (b)(1)(B), any partnership or limited liability company may be a shareholder in an S corporation if—

''(i) all partners or members are members of 1 family as determined under section 704(e)(3), and

''(ii) all of the partners or members would otherwise be eligible shareholders of an S corporation.

''(B) TREATMENT AS SHAREHOLDERS.—For purposes of subsection (b)(1)(A), in the case

of a partnership or limited liability company described in subparagraph (A), each partner or member shall be treated as a shareholder.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 10. ISSUANCE OF PREFERRED STOCK PERMITTED.

(a) IN GENERAL.—Section 1361 of the Internal Revenue Code of 1986 (defining s corporation), as amended by section 5(a), is amended by adding at the end the following:

''(g) TREATMENT OF QUALIFIED PREFERRED STOCK.—

''(1) IN GENERAL.—For purposes of this subchapter—

''(A) qualified preferred stock shall not be treated as a second class of stock, and

''(B) no person shall be treated as a shareholder of the corporation by reason of holding qualified preferred stock.

''(2) QUALIFIED PREFERRED STOCK DEFINED.—For purposes of this subsection, the term 'qualified preferred stock' means stock which meets the requirements of subparagraphs (A), (B), and (C) of section 1504(a)(4). Stock shall not fail to be treated as qualified preferred stock solely because it is convertible into other stock.

''(3) DISTRIBUTIONS.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to qualified preferred stock shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1361(b)(1) of the Internal Revenue Code of 1986, as amended by section 5(b)(1), is amended by striking ''subsection (f)'' and inserting ''subsections (f) and (g)''.

(2) Section 1366(a) of such Code, as amended by section 5(b)(2), is amended by adding at the end the following:

''(4) ALLOCATION WITH RESPECT TO QUALIFIED PREFERRED STOCK.—The holders of qualified preferred stock (as defined in section 1361(g)) shall not, with respect to such stock, be allocated any of the items described in paragraph (1).''.

(3) Section 1373(a)(3) of such Code, as added by section 5(b)(3), is amended by inserting ''or 1361(g)(3)'' after ''section 1361(f)(3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 11. CHARITABLE CONTRIBUTIONS STOCK BASIS ADJUSTMENT.

(a) STOCK BASIS ADJUSTMENT.—Paragraph (1) of section 1367(a) of the Internal Revenue Code of 1986 (relating to adjustments to basis of stock of shareholders, etc.) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following:

''(D) the excess of the deductions for charitable contributions over the basis of the property contributed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 12. CONSENT TO ELECTIONS.

(a) 90 PERCENT OF SHARES REQUIRED FOR CONSENT TO ELECTION.—Section 1362(a)(2) of the Internal Revenue Code of 1986 (relating to all shareholders must consent to election) is amended—

(1) by striking ''all persons who are shareholders in'' and inserting ''shareholders holding at least 90 percent of the shares of'', and

(2) by striking ''ALL SHAREHOLDERS'' in the heading and inserting ''AT LEAST 90 PERCENT OF SHARES''.

(b) RULES FOR CONSENT.—Section 1362(a) of the Internal Revenue Code of 1986 (relating to election) is amended by adding at the end the following:

''(3) RULES FOR CONSENT.—For purposes of making any consent required under paragraph (2) or subsection (d)(1)(B)—

''(A) each joint owner of shares shall consent with respect to such shares,

''(B) the personal representative or other fiduciary authorized to act on behalf of the estate of a deceased individual shall consent for the estate,

''(C) one parent, the custodian, the guardian, or the conservator shall consent with respect to shares owned by a minor or subject to a custodianship, guardianship, conservatorship, or similar arrangement,

''(D) the trustee of a trust shall consent with respect to shares owned in trust,

''(E) the trustee of the estate of a bankrupt individual shall consent for shares owned by a bankruptcy estate,

''(F) an authorized officer or the trustee of an organization described in subsection (c)(6) shall consent for the shares owned by such organization, and

''(G) in the case of a partnership or limited liability company described in subsection (c)(8)—

''(i) all general partners shall consent with respect to shares owned by such partnership,

''(ii) all managers shall consent with respect to shares owned by such company if management of such company is vested in 1 or more managers, and

''(iii) all members shall consent with respect to shares owned by such company if management of such company is vested in the members.''.

(c) TREATMENT OF NONCONSENTING SHAREHOLDER STOCK.—

(1) IN GENERAL.—Section 1361 of the Internal Revenue Code of 1986 (defining s corporation), as amended by section 10(a), is amended by adding at the end the following:

''(h) TREATMENT OF NONCONSENTING SHAREHOLDER STOCK.—

''(1) IN GENERAL.—For purposes of this subchapter—

''(A) nonconsenting shareholder stock shall not be treated as a second class of stock,

''(B) such stock shall be treated as C corporation stock, and

''(C) the shareholder's pro rata share under section 1366(a)(1) with respect to such stock shall be subject to tax paid by the S corporation at the highest rate of tax specified in section 11(b).

''(2) NONCONSENTING SHAREHOLDER STOCK DEFINED.—For purposes of this subsection, the term 'nonconsenting shareholder stock' means stock of an S corporation which is held by a shareholder who did not consent to an election under section 1362(a) with respect to such S corporation.

''(3) DISTRIBUTIONS.—A distribution (not in part or full payment in exchange for stock) made by the corporation with respect to nonconsenting shareholder stock shall be includible as ordinary income of the holder and deductible to the corporation as an expense in computing taxable income under section 1363(b) in the year such distribution is received.''.

(2) CONFORMING AMENDMENT.—Section 1361(b)(1) of the Internal Revenue Code of 1986, as amended by section 10(b)(1), is amended by striking ''subsections (f) and (g)'' and inserting ''subsections (f), (g), and (h)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to elections made in taxable years beginning after December 31, 2001.

SEC. 13. INFORMATION RETURNS FOR QUALIFIED SUBCHAPTER S SUBSIDIARIES.

(a) IN GENERAL.—Section 1361(b)(3)(A) of the Internal Revenue Code of 1986 (relating to treatment of certain wholly owned subsidiaries) is amended by inserting ''and in the case of information returns required under part III of subchapter A of chapter 61'' after ''Secretary''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SMALL BUSINESS AND FINANCIAL INSTITUTIONS TAX RELIEF ACT OF 2001—SUMMARY

This legislation expands Subchapter S of the IRS Code. Subchapter S corporations do not pay corporate income taxes, earnings are passed through to the shareholders where income taxes are paid, eliminating the double taxation of corporations. By contrast, Subchapter C corporations pay corporate income taxes on earnings, and shareholders pay income taxes again on those same earnings when they pass through as dividends. Subchapter S of the IRS Code was enacted in 1958 to reduce the tax burden on small business. The Subchapter S provisions have been liberalized a number of times over the last two decades, significantly in 1982, and again in 1996. This reflects a desire on the part of Congress to reduce taxes on small business.

This S corporation legislation would benefit many small businesses, but its provisions are particularly applicable to banks. Congress made S corporation status available to small banks for the first time in the 1996 ''Small Business Job Protection Act'' but many banks are having trouble qualifying under the current rules. The proposed legislation:

Permits S corporation shares to be held as Individual Retirement Accounts (IRAs), and permit IRA shareholders to purchase their shares from the IRA in order to facilitate a Subchapter S election.

Clarifies that interest and dividends on investments maintained by a bank for liquidity and safety and soundness purposes shall not be ''passive'' income. This is necessary because S corporations are restricted in the amount of passive investment income they may generate.

Increases the number of S corporation eligible shareholders from 75 to 150.

Provides that any stock that bank directors must hold under banking regulations shall not be a disqualifying second class of stock. This is necessary because S corporations are permitted only one class of stock.

Permits banks to treat bad debt charge offs as items of built in loss over the same number of years that the accumulated bad debt reserve must be recaptured (four years) for built in gains tax purposes. This provision is necessary to properly match built in gains and losses relating to accounting for bad debts. Banks that are converting to S corporations must convert from the reserve method of accounting to the specific charge off method and the recapture of the accumulated bad debt reserve is built in gain. Presently the presumption that a bad debt charge off is a built in loss applies only to the first S corporation year.

Clarifies that the general 3 Year S corporation rule for certain ''preference'' items applies to interest deductions by S corporation banks, thereby providing equitable treatment for S corporation banks. S corporations that convert from C corporations are denied certain interest deductions preference items for up to 3 years after the conversion, at the end of 3 years the deductions are allowed.

Provides that non-health care related fringe benefits such as group-term life insurance will be excludable from wages for ''more-than-two-percent'' shareholders. Current law taxes the fringe benefits of these shareholders. Health care related benefits are not included because their deductibility

would increase the revenue impact of the legislation.

Permits Family Limited Partnerships to be shareholders in subchapter S corporations. Many family owned small businesses are organized as Family Limited Partnerships or controlled by Family Limited Partnerships for a variety of reasons. A number of small banks have Family Limited Partnership shareholders, and this legislation would for the first time permit those partnerships to be S corporation shareholders.

Permits S corporations to issue preferred stock in addition to common. Prohibited under current law which permits S corporations to have only one class of stock. Because of limitations on the number of common shareholders, banks need to be able to issue preferred stock in order to have adequate access to equity.

Facilitates charitable giving by S corporation shareholders by providing a basis increase for the excess of the charitable contribution deduction over the basis of property contributed. Current law penalizes a shareholder who makes a charitable contribution through an S corporation by limiting the charitable deduction that flows through to the shareholder to the basis of the donated property. This means that the shareholder is unable to benefit from the full fair market value deduction when the basis does not reflect the appreciation in the property. This differs from the full value deduction afforded the taxpayer who donates property in an individual capacity or through a partnership, instead of through an S corporation.

Reduces the required level of shareholder consent to convert to an S corporation from unanimous to 90 percent of shares.

Clarifies that Qualified Subchapter S Subsidiaries (QSSS) provide information returns under their own tax id number. This can help avoid confusion by depositors and other parties over the insurance of deposits and the payer of salaries and interest.

By Mr. CLELAND (for himself, Mr. WARNER, Mr. LEVIN, Mr. KENNEDY, Mr. REED, Ms. LANDRIEU, Mrs. CARNAHAN, Mr. DAYTON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 937. A bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance the Montgomery GI bill by members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CLELAND. Mr. President, I come before you today to introduce legislation that addresses the educational needs of our men and women in uniform and their families. I appreciate the support of my colleagues who have supported my provisions to enhance the GI bill, Senators LEVIN, KENNEDY, BINGAMAN, REED, DAYTON, LANDRIEU, and CARNAHAN. I also like to recognize the Chairman of the Senate Armed Services Committee, Senator WARNER, who himself went to school on the GI bill. I want to thank him for his cosponsorship, support and encouragement in improving the GI bill for military personnel and their families.

I call this measure the HOPE, Help Our Professionals Educationally, Act.

In 1999, Time magazine named the American GI as the Person of the Century. That alone is a statement about the value of our military personnel. They are recognized around the world for their dedication and commitment to fight for our country and for peace in the world. This past century has been filled with strife and conflict. During this period, the American GI has fought in the trenches during the first World War, the beaches at Normandy, in the jungles of Vietnam, in the deserts of the Persian Gulf, and most recently in the Balkans and Kosovo.

The face of our military and the people who fight our wars has changed. The traditional image of the single, mostly male, drafted, and disposable soldier is gone. Today we are fielding the force for the 21st century. This new force is a volunteer force, filled with men and women who are highly skilled, married, and definitely not disposable. Gone are the days when quality of life for a GI included a beer in the barracks and a three-day pass. Now, we know we have to recruit a soldier and retain a family.

We have won the cold war, this victory has changed the world and our military. The new world order has given us a new world disorder. The United States is responding to crises around the globe, whether it be strategic bombing or humanitarian assistance, and our military is the our most effective response. In order to meet these challenges, we are retooling our forces to be lighter, leaner and meaner. This is a positive move. Along with this lighter force, our military professionals must be highly educated and highly trained.

Our Nation has recently experienced the longest running peacetime economic growth in history. This economic expansion has been a boom for our Nation. However, there is a negative impact of this growing economy. With the enticement of quick prosperity in the civilian sector it is more difficult than ever to recruit and retain our highly skilled force.

The services have increased their budgets for advertising and refocused attention on recruiting. However, we still face problems in retaining some of the key skills that our service men and women possess—skills that our new economy is demanding. The highly trained technical skilled personnel are leaving the military to seek a better quality of life for their family outside of our military.

As I have heard so often, the decision to stay in the military is made at the dinner table. It was the wisdom of a young enlisted soldier at Schofield Barracks who noted, when the choice is 'stay in the military or stay married,' the soldier opts to stay married. In my travels across Georgia, around the country, and abroad, I have found that our men and women in uniform want to do what is right, for themselves and the country. However, our benefits systems have not kept pace and forcing our personnel to choose between family and service.

In talking with our military personnel, we know that money alone is not enough. Education is the number one reason service members come into the military and the number one reason its members are leaving. In recent years the Senate began to address this issue by supporting improved education benefits for military members and their families.

My amendment will improve and enhance the current educational benefits and create the GI bill for the 21st century and beyond.

One of the most important provisions of my amendment would give the Service Secretaries the authority to authorize a service member to transfer half of his or her basic MGIB benefits to family members. Many service members tell us that they really want to stay in the service, but do not feel that they can stay and provide an education for their families. This will give them, in affect, an educational savings account, so that they can stay in the service and still provide an education for their spouses and children. This will give the Secretaries a very powerful retention tool.

The measure would allow the Services to authorize transfer of unused basic GI bill benefits of a servicemember who has been in the military for 6 years. The spouse would be able to use these benefits immediately upon authorization by the services. This provision is designed to assist the spouse of a military member in pursuing their own education or assist them in gaining the necessary skills to prepare for an occupation in the new economy.

The measure also includes language that permits a servicemember with ten years of service to transfer GI bill benefits to a dependent child. This provision is designed to help a servicemember with the expected costs of a child's education. It could be used to help with secondary expenses as well as with college costs.

I believe that the Services can use this much like a reenlistment bonus to keep valuable service members in the service. It can be creatively combined with reenlistment bonuses to create a very powerful and cost effective incentive for highly skilled military personnel to stay in the Service. In talking with service members upon their departure from the military, we have found that the family plays a crucial role in the decision of a member to continue their military career. Reality dictates that we must address the needs of the family in order to retain our soldiers, sailors, airmen, and marines.

Another enhancement to the current MGIB would extend the period in which the members of Reserve components can use this benefit. Currently they lose this benefit when they leave the service or after 10 years of service. They have no benefit when they leave service. My amendment will permit them to use the benefit up to 5 years

after their separation. This will encourage them to stay in the Reserves for a full career.

I believe that this is a necessary next step for improving our education benefits for our military members and their families. We must offer them credible choices. If we offer them choices, and treat the members and their families properly, we will show them our respect for their service and dedication. Maybe then we can turn around our current retention statistics. This GI bill is an important retention tool for the services. I believe that education begets education. We must continue to focus our resources in retaining our personnel based their needs.

By Mr. JEFFORDS (for himself, Mr. DODD, Mr. FITZGERALD, and Mr. BROWNBACK):

S. 938. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, I am introducing today a bill that will simplify and make more fair the tax treatment of foster care payments. The bill will eliminate unnecessary distinctions drawn by the Internal Revenue Code in the treatment of payments received by people who open their homes to foster children and adults. I introduced this same bill in the 106th Congress, and it was passed by both Houses as part of a larger tax bill that was subsequently vetoed by the President. I am re-introducing the bill now, as I believe that this issue should not be overlooked as we debate tax reform this year. This bill not only simplifies the tax treatment of foster care payments, it will also remove inequities and uncertainties inherent in current law.

In my home State of Vermont, we are proud that we have been able to reduce our reliance on the institutional care of children and adults. We have accomplished this by developing an array of services that can be provided in typical family homes, in a cost-effective and fiscally responsible manner. I believe that this is not only good public policy, but that whenever possible we should encourage these alternatives. Equal tax treatment for all tax families that provide foster care services should provide some encouragement.

Under current law, foster care families are required to include foster care payments in income. They can offset this income with deductions for the expenditures they incur. Families must maintain detailed records to substantiate these deductions. In lieu of detailed record keeping, Section 131 of the Internal Revenue Code allows certain foster care families to exclude from income the payments they receive for providing foster care. Eligibility for this exclusion depends upon a complicated analysis of three factors: the age of the person in foster care; the type of foster care placement agency; and the source of the foster care payments. For children under age 19 in foster care, Section 131 permits families to exclude payments when a State, or one of its political subdivisions, or a tax-exempt charitable placement agency places the individual in foster care and makes the foster care payments. For persons age 19 and older, Section 131 permits families to exclude foster care payments from income only when a State, or one of its political subdivisions, places the individual and makes the payments.

This bill is designed to provide tax fairness; it will simplify the anachronistic tax rules by amending the tax code's current exclusion to include foster care payments for all persons in foster care, regardless of age. The exclusion will also be available when the foster care placement is made by a private foster care placement agency and even when the foster care payments are received through a private foster care placement agency, rather than directly from a State. To ensure appropriate oversight, the bill requires that the placement agency be either licensed or certified by a State.

A qualified foster care payment under this bill must be made pursuant to a foster care program run by a State or county. My intention is for this bill to cover the wide variety of foster care programs developed by States. Recognizing foster care as an effective approach to provide support within the community to people with mental retardation and other disabilities, these programs place children, and in some cases adults, in homes of unrelated families who provide foster care on a full-time basis. Families providing foster care give those in their care the daily support and supervision typically given to a family member. Like traditional families, foster care families ensure that foster children and adults have a healthy physical environment, get routine and emergency medical care, are adequately clothed and fed, and have satisfying leisure activities. Foster families provide those in their care with stimulation and emotional support all too often lacking in large congregate and institutional settings.

In some State, the State itself administers both child and adult foster care programs. Many States, however, are increasingly entrusting administration of these programs to private placement agencies, approved through licensing or certification procedures, or to government-designated intermediary tax-exempt organizations. Through the approval process, private placement agencies are accountable for their use of funds and for the quality of services they provide. This bill is intended to cover governmental foster care programs funded solely by State or political subdivision monies, and, especially in the case of adult foster care, programs funded by the federal government, typical through a State's Medicaid Home and Community-Based Waiver program.

While foster care for children has been in existence for decades, foster care for adults is a more recent phenomenon. Sometimes referred to as ''host homes'' or ''developmental homes,'' adult foster care facilities have proven to be an effective alternative to institutional care for adults with disabilities. In 1993, Vermont closed the State institution for people with developmental disabilities, choosing instead to rely on foster families. Under this approach, Vermonters with developmental disabilities can live in homes and participate in the routines of daily life that most of us take for granted. Vermont's approach has provided people with disabilities a cost-effective opportunity for successful lives in communities, with valued relationships with their foster families.

Vermont authorizes local developmental disability service organizations to act as placement agencies and contract with families willing to provide foster care in their homes. The current tax law's disparate tax treatment of foster care payments impedes these types of arrangements. Persons providing foster care for individuals placed in their homes by the government can exclude foster care payments from income, while foster care families receiving the same payments through private agencies under contract with State or local governments are not eligible for this exclusion, unless the individual in foster care is under age 19 and the placement agency is a nonprofit organization. Because of the complexity of current law, families often receive conflicting advice from tax professionals regarding the proper tax treatment of foster care payments. In addition, the law's complex rules discourage willing families from providing foster care in their homes to persons placed by private agencies, reducing the availability of care alternatives.

This bill will advance the development of family-based foster care services, a highly valued alternative to institutionalization. My home State of Vermont is proud of having closed its institutions and leading the nation in developing other support systems. The use of foster care services has facilitated this effort. I believe this represents good policy and is something to be encouraged. We should be removing disincentives and barriers to quality support for people with disabilities in our communities. I urge my colleagues to support this bill.

By Mrs. HUTCHISON:

S. 939. A bill amend the Immigration and Nationality Act to confer citizenship automatically on children residing abroad in the legal and physical custody of a citizen parent serving in a Government or military position abroad; to the Committee on the Judiciary.

Mrs. HUTCHISON. Mr. President, I am pleased to offer legislation on an issue important to many of our military and government families assigned

overseas. Currently, if one of these families adopts a child who is a citizen of the United States, that child is not automatically eligible for citizenship. Current law allows U.S. citizens residing in the United States to adopt children from overseas and to automatically confer citizenship on these children who are residing in the legal and physical custody of the citizen parent. My bill would allow U.S. military and government employees who are stationed overseas and adopt a child to enjoy the same ability to have citizenship automatically conferred.

Today many of our service members and government employees are stationed overseas serving their country. Some of these families want to offer their home and their hearts to children needing a good, loving family. The opportunity is often missed by these families because of this oversight in the current law. This amendment will ensure that those who are serving our nation and our government overseas are not penalized when adopting children during their tour.

By Mr. DODD (for himself, Mr. KENNEDY, and Mr. WELLSTONE):

S. 940. A bill to leave no child behind; to the Committee on Finance.

Mr. DODD. Mr. President, on behalf of myself, Senator KENNEDY, and Senator WELLSTONE, I rise today to introduce the Leave No Child Behind Act, legislation that will address the needs of our nation's children to deliver them from poverty, violence, abuse, neglect, and poor education.

This measure combines the best public and private ideas, policies, and practices into a comprehensive measure to improve the lives of all children. Not just poor children. But all children.

Many Members of Congress have contributed to this legislation, adding their ideas and their thoughts, including: Senator KENNEDY, Senator JEFFORDS, Senator ROCKEFELLER, Senator DEWINE, Senator HARKIN, Senator STEVENS, Senator BIDEN, Senator SNOWE, Senator BOXER, Senator GRASSLEY, Senator DASCHLE, Senator GORDON SMITH, Senator REED, Senator CHAFEE, Senator WELLSTONE, Senator KERRY, Senator DURBIN, Senator FEINSTEIN, Senator KOHL, Senator TORRICELLI, Senator SCHUMER, and Senator BAYH. A number of Members of the House have also contributed to this legislation. It is without hesitation that I say that this bill would not have been possible without the help of so many of my colleagues.

For the first time in more than a generation, our budget is in balance. Indeed, we have a surplus. At long last, we can talk about meeting the needs of the future, rather than paying off the debts of the past. For the first time in decades, we have an opportunity to put children first, to move them out of poverty, to end their hunger, to heal their wounds, to enrich and inform their minds.

We are on the verge of doing what many of us have long dreamed of doing for America's young people.

The legislation we are introducing today represents a vision for children in the 21st century.

It's more than a bill. More than pages of legislative language. It's a covenant that we are entering into today. Not only with each other, but with those who will stand in this place long after we have gone.

It's a declaration that we need to put children first, and that we intend to put children first. In doing so, we put America first.

A question that we must all ask ourselves and ask this country, is, what should our highest priority be? When I ask this question, the response I most often receive is our children.

Children are one-quarter of our population. But they are one hundred percent of our future.

Despite that fact, they are getting a fraction of our attention and a fraction of our resources.

Having languished in budget deficits for years, we now have the largest projected federal budget surpluses in the history of this Nation. We have witnessed unprecedented prosperity. We are so lucky to live in this free and dynamic society, a Nation at peace, of such great wealth.

But some are not so lucky. Some families struggle through each day. They live paycheck to paycheck. Their children are hungry. They're cold. They might have difficulty following the teacher's instructions on the blackboard because they can't see it clearly. But their parents haven't taken them to the doctor because they don't have health insurance.

Over 12 million children live in poverty.

Nearly 11 million children have no health coverage.

About 7 million children go home alone each week after school.

This is America, too.

The legislation we are introducing today is called, ''An Act to Leave No Child Behind''. We are committed to one principle beyond all others. Not just as a slogan, but as a means to define an urgent national priority.

Regrettably, however, for some those words are slogans, and nothing more. There are those who utter the words ''Leave No Child Behind'' in front of microphones and television cameras. They have adopted the words as a political mantra, repeating it endlessly during ''photo-ops'' with children and in press conferences with reporters.

We need to make sure that we not only talk about leaving no child behind, but that we actually take steps to do so. Introducing this bill is the first step.

Every word on every page is focused on the same purpose—lifting our children up, giving each child an opportunity, helping each child to have a safe and rewarding life.

Under the Act to Leave No Child Behind, every child in America would have health coverage. No child in America would go to bed at night aching from hunger. We would use our tax code to lift millions of children out of poverty.

It's time to ensure that every American child has an opportunity to attend Head Start, Pre-K, or child care to begin a lifetime of learning. That every American child can read by 4th grade, and read at grade level. It's time to take dramatic new steps to address the needs of children who are abused and neglected every year.

Those who are truly committed to leaving no child behind will support this bill. It's about priorities. It's about values.

As we speak, Congress is considering how to spend our nation's surplus.

Sadly, a disproportionate share of that surplus will not go to our nation's children, but to those who least need our help and attention.

Most of the surplus will go to the tax cut. And, most of the tax cut will go to those who are doing the best in our society, those who least need a helping hand or a step up.

Are those the values that we want to instill in our children? That as a Nation we care not for those who need our help most?

It's time to take a stance for children.

It's time to invest in the needs of our children. Not in a token way, but in a real way. A meaningful way that will make a difference in a child's life.

We have the resources. The time is right.

If we join together, we can transform this Nation and give each and every child his God-given right to grow and flourish to all he can be. To grow to his or her fullest potential. We want an America where all children can realize their dreams.

I ask unanimous consent that a summary of the Act to Leave No Child Behind be printed in the RECORD.

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

THE ACT TO LEAVE NO CHILD BEHIND—DETAILED SUMMARY, MAY 23, 2001

TITLE I. HEALTHY START—EVERY UNINSURED CHILD SHOULD HAVE COMPREHENSIVE HEALTH COVERAGE.

Section A. Children's health insurance

Create a new federal health program with comprehensive benefits similar to Medicare for uninsured children, who are not covered by existing programs.

Section B. Children's health insurance eligibility expansion and enrollment improvements

Expand existing federal children's health programs (CHIP/Medicaid) up to 300% of poverty through age 21 and require states to allow families above 300% of poverty to buy into the program for their uninsured children on a sliding scale premium basis.

Give states the option of providing coverage under CHIP and Medicaid to legal immigrant children and legal immigrant pregnant women.

Give states the option to allow families with too much income to qualify for Medicaid to purchase coverage for their disabled children.

Simplify outreach and enrollment for CHIP and Medicaid and enroll all children at birth.

Section C. Improving access to care

Establish Children's Access To Care Commission that shall make recommendations for improving children's access to care, removing barriers to care, and improving children's health status.

Strengthen the care of children under HMO's.

Require DHHS to collect data from states participating in the Medicaid program on the delivery of services to children through the early and Periodic Screening, Diagnosis and Treatment component of the program, in order to document the delivery of services through all service delivery arrangements.

Section D. Reducing public health risks for children

Appropriate $50 million per year for grants to state to develop programs to prevent, treat and manage children asthma.

Implement an aggressive youth smoking cessation and education program and provide the FDA authority to regulate the marketing of tobacco products to children.

Increase funding for HUD's Lead-Based Paint Hazard Control grants and Healthy Homes grants.

All private insurance policies would be required to pay for immunizations as a benefit of coverage.

Section E. Reducing environmental health risks for children.

Require testing of chemicals to determine safe exposure levels for children.

Reduce the use of toxic chemicals in schools.

TITLE II. HEALTHY START—ALL PARENTS DESERVE HELP TO SUPPORT THEIR CHILDREN'S HEALTHY DEVELOPMENT

Promote State and Local Parenting Support and Education Programs. Provide grants to state parenting support and education councils to develop and expand local activities to help parents appropriately care for and respond to their children's needs, without having to wait until problems develop.

Extend Supports for Parents Caring for Children. Expand the Family and Medical Leave Act to apply to employers with 25 or more employees, rather than 50 as in current law.

Paid Family Leave. Establish demonstration projects with paid leave for new parents so that they are able to spend time with a new infant or newly adopted child.

Extend Health Care to Uninsured Parents. Expand the federal children's health programs, CHIP and Medicaid, to cover uninsured parents of children who are eligible for CHIP or Medicaid and to pregnant women.

Help Parents Reduce Environmental Health Risks for their Children. Strengthen consumer right-to-know laws to ensure that parents are fully aware of the presence of potentially harmful substances in products to which their children are exposed.

Encourage Support from Non-Custodial Parents. Provide grants to localities or non-profit providers for services to low-income noncustodial parents so that they can contribute financially, emotionally and in other positive ways to their children's development.

TITLE III. HEAD START—ALL CHILDREN SHOULD ENTER SCHOOL READY TO LEARN AND REACH THEIR HIGHEST POTENTIAL WHILE IN SCHOOL

Section A. Infants and toddlers

Increase the Early Head Start set-aside for infants and toddlers from 10 percent to 40 percent.

Allocate 5% of total CCDBG funds in FY 2003 to improve and expand infant child care, rising to 10% in FY 2007.

Section B. Child care access

Increase funding proportionately each year to ensure that every child eligible for assistance under the Child Care and Development Block Grant (CCDBG) receives assistance by 2011.

Require that states make children in foster care an eligible category for CCDBG.

Require states to pay not less than the 100th percentile of the market rate for child care, with higher rates for higher quality care, hard-to-find care, care for children with special needs, and care in low-income and rural communities. States would also be required to adjust rates by inflation between market surveys.

Require that the CCDBG agency coordinate with the TANF agency to ensure that child care assistance staff are located on-site at TANF offices. Require that state CCDBG plans describe how they will ensure that TANF and other low-income working families are aware of their eligibility for child care assistance as part of their consumer education strategy.

Require no more than annual eligibility determination.

Section C. Child care quality improvements

Create a program to improve wages and skills of child care staff.

Improve child care quality by increasing the CCDBG quality set aside from 4 to 12 percent.

Require every state to have a state-based office that is charged with developing a system of local resource and referral agencies to provide parents with information and support, collect data on the supply and demand of child care in the community, develop linkages to businesses, and help to build the supply of quality child care.

Require child care centers operated on federal or legislative property to comply with either state and local child care operation and safety laws or similar safety rules established by the General Services Administration.

Provide $500 million per year to support the construction of new child care facilities.

Expand the existing national 1% CCDBG set-aside to 2%. This set-aside will be used for training and technical assistance to states, communities, and CCDBG grantees.

Require all providers receiving CCDBG, or who work in programs receiving CCDBG, to have training in early childhood development.

Require at a minimum two annual unannounced visits for each facility accepting CCDBG funding.

Section D. Head Start and Early Head Start access

Increase funds proportionately each year to ensure that every three and four-year-old eligible for Head Start may participate by 2006 and 25% of eligible infants and toddlers may participate in Early Head Start by 2011.

Expand investments in the Early Learning Opportunities Act to provide increased resources to communities for early learning initiatives.

Section E. Education improvements

Early learning

Provide grants to states to ensure access to pre-kindergarten for families who choose to participate.

Amend the Reading Excellence Act to require that states support early literacy efforts in child care, pre-kindergarten, and Head Start programs.

Create a book stamp program that would enable proceeds from a children's literacy postage stamp to support a system to expand books in the homes of low income children that are enrolled in child care programs.

Authorize $30 million in ESEA for the Education Excellence Act, which would provide professional development for early childhood educators in high poverty communities.

Increased accountability

Amend Title I of the Elementary and Secondary Education Act (ESEA) to require states and local school districts to establish specific goals and performance benchmarks aimed at improving the performance of all students, to strengthen requirements mandating corrective actions for failing schools such as school reconstitution and transfers to other public schools, and to require states to issue report cards detailing the performance of individuals schools.

Reduce class size

Provide funding to help local school districts recruit, train, and hire additional teachers to reduce class size in grades K through 3.

Quality teaching and leadership

Provide incentives to teachers to obtain certification from the National Board for Professional Teaching Standards.

Improve student loan forgiveness program for aspiring teachers.

Provide support to recruit, prepare and place career-changing professionals as teachers.

Award competitive grants to establish programs for teacher quality improvement.

Provide for professional development services to increase leadership skills of school principals.

School construction

Provide new tax incentives for school construction/modernization bonds.

Establish a grant program to assist LEA's to increase the involvement of parents, teachers, students, and others in the planning and design of new and renovated elementary and secondary schools.

Community schools

Encourage communities to foster school-based or school-linked family centers.

TITLE IV. FAIR START—LIFTING ALL CHILDREN OUT OF POVERTY—TAX RELIEF TO ASSIST LOW-INCOME WORKING FAMILIES

Increase the child tax credit from $500 to $1000 and make if fully refundable.

Expand the EITC for families with three or more children and reduce the marriage penalty for families eligible for the EITC.

Expand the Dependent Care Tax Credit to increase the slide to 50%, make it refundable, and annually index income phase-outs and cost of care for inflation.

TITLE V. FAIR START—ENSURE THAT CHILDREN AND FAMILIES RECEIVE SUPPORTS TO PROMOTE WORK AND REDUCE POVERTY

Section A. Ensure children and families receive all supports for which they are eligible

Initiate a Gateways Program that provides grants to states, localities, and/or community based organizations to (a) train caseworkers about available support programs and their eligibility requirements; (b) expand outreach about available support assistance; (c) improve automation and application procedures; and (d) track the extent to which low-income families receive the benefits and services for which they are eligible.

Section B. Support from both parents

Improve child support collections and let families keep the money collected for their children; provide federal incentives for states to pass through payments collected for families receiving Temporary Assistance for Needy Families (TANF); and require families who have left TANF to receive any support collected through IRS intercepts.

Provide funding for child support assurance demonstration projects.

Section C. Fair wages and unemployment insurance

Increase the federal minimum wage to $6.65 over three installments and index it for inflation.

Implement ''living wage'' policy for employees of federal contractors or subcontractors.

Make Unemployment Insurance more accessible to low income families with children, including more favorable counting of wages for the purpose of determining eligibility, expanding benefits to part-time workers, and making domestic violence and lack of child care causes for separation from employment.

Section D. Helping low income parents get and keep jobs with above poverty income

Add poverty reduction as a goal of the TANF program.

For those families who are working and playing by the rules, the TANF time limit is interrupted.

Allow a broader range of education and training to count as work activities under TANF.

Initiate a TANF poverty reduction bonus for states.

Require state and local TANF officials to participate in the Workforce Investment Boards.

Section E. Create incentives to serve families effectively

The Secretary of Health and Human Services shall develop model training materials for caseworkers.

TANF funds used by states to provide caseworker bonuses and new state initiatives to break down barriers to work shall not count towards the 15 percent administrative cap.

Strengthen Individual Responsibility Plans.

Section F. Addressing work barriers

Expand funding for the Department of Transportation's Access to Jobs program to allow parents better access to jobs and child care.

Require caseworkers with adequate training to identify work barriers of TANF recipients, including domestic violence, mental health, drug or alcohol problems, homelessness, or disability and to provide appropriate services to address these barriers.

Allow states to exempt families with severe barriers to employment from TANF time limits, even if the total exempted exceeds 20 percent of the current caseload.

Section G. Protections for families in need

Earn back months of TANF assistance for months worked.

Hold agencies accountable for ensuring that families who are unable to comply with complex TANF rules are afforded a real conciliation process.

Section H. TANF reauthorization

Reauthorize TANF.

Prohibit supplantation of state funding for programs serving needy families with children with federal TANF funds.

TITLE VI. FAIR START—ALL FAMILIES WITH CHILDREN SHOULD RECEIVE THE SUPPORT THEY NEED TO LIVE ABOVE POVERTY—NUTRITION

Section A. Child care nutrition

Allow for-profit child care centers to participate in the Child and Adult Care Food Program (CACFP) if 25 percent of their enrolled children are eligible for free and reduced-priced lunch.

Allow youth in after-school programs up to age 19 to participate in CACFP if they are enrolled in community-based programs including those outside of low-income areas.

Provide a dinner for after-school programs.

Standardize the categorical eligibility requirements for income determination in the family child care portion of CACFP.

Increase the CACFP sponsors' administrative reimbursement rate to reflect the increased administrative burden of the means test system.

Section B. Food stamp program

Restore Food Stamp eligibility to legal immigrants.

Provide six months of transitional food stamp benefits to those who leave TANF.

Index the standard deduction for family size and inflation.

Eliminate the cap on excess shelter costs for families with children.

Include child support in earnings disregard.

Increase funding for The Emergency Food Assistance Program (TEFAP).

Reduce burden on eligible families in renewing benefits.

Improve incentives for states to serve low-income working families better.

TITLE VII. FAIR START—ALL FAMILIES SHOULD RECEIVE THE SUPPORTS THEY NEED TO LIVE ABOVE POVERTY—HOUSING

Provide 1 million new Section 8 vouchers over 10 years.

Establish a Voucher Success program for communities experiencing problems utilizing Section 8 vouchers.

Redirect surplus generated by federal housing programs into National Affordable Housing Trust to help alleviate the housing crisis by funding new construction of affordable rental housing.

Promote preservation of affordable housing units by providing matching grants to states that have developed and funded programs for preservation of privately owned housing that is affordable to low-income families.

TITLE VIII. SAFE START—ENSURING EVERY CHILD A SAFE, NURTURING, AND PERMANENT FAMILY

Section A. Promoting permanency for children

Enhance the likelihood that the goals for children in the Adoption and Safe Families Act will be met by offering states funding for preventive, protective, and crisis services for children and parents who come to the attention of the child welfare system, permanency services for families whose children end up in foster care, independent living services for young people transitioning from foster care, and post-permanency services for children who are reunited with their families, adopted, or placed permanently with relatives or other legal guardians.

Improve the quality of services for children by extending funding for training of staff of private child welfare agencies, judges and other court staff, and other children's service providers that serve abused and neglected children.

Offer kinship guardianship assistance payments to grandparents and other relatives who commit to care permanently for children for whom they have legal guardianship and that they have cared for in foster care.

Eliminate current federal disincentives to ensure that children who have been abused or neglected or are at risk of maltreatment receive the services and supports they need.

Eliminate current federal disincentives to promote adoption for children with special needs.

Support young people aging out of foster care by offering them increased opportunities for supervised living arrangements and tuition assistance to help them pursue a range of educational opportunities.

Increase accountability within the child welfare system to improve outcomes for children and services available to children and families.

Expand opportunities for Indian tribes to offer foster care and adoption assistance to Indian children.

Section B. Promoting safe and stable families

Reauthorize and increase funding for the Promoting Safe and Stable Families Program.

Section C. Social services block grant

Restore funding for the Social Services Block Grant, which supports a range of services for abused, neglected and other children, and also provides help for persons with disabilities, senior citizens, and other special populations.

Section D. Child protection and alcohol and drug partnerships

Address the treatment needs of families with alcohol and drug problems who come to the attention of the child welfare system by giving state child protection and alcohol and drug agencies incentives to offer joint screening, assessment, comprehensive treatment and after care services, and training.

Section E. One-time permanency grants

Offer one-time assistance to state child welfare agencies to help move children who were in foster care when the Adoption and Safe Families Act was passed, and will not be returning home, into adoptive families or other permanent placements with kin.

Section F. Helping children exposed to domestic violence

Promote multi-system partnerships to respond to the needs of children who have been exposed to domestic violence.

Promote cross-training for staff of child welfare agencies and domestic violence service providers about domestic violence and its impact on children and relevant child welfare policies.

Enhance research and data collection on the impact of domestic violence on children.

Offer grants to elementary and secondary schools and early care and education programs to help prevent domestic violence and its impact on its adult and child victims.

Support training for law enforcement and court personnel about domestic violence and its impact on children.

Section G. Enhancing healthy emotional development in young children

Assist networks of early childhood, child welfare, substance abuse, and/or domestic violence programs to promote the mental health and healthy emotional development of the young children they serve.

TITLE IX. SUCCESSFUL TRANSITIONS TO ADULTHOOD—YOUTH DEVELOPMENT

Section A. Youth development: Strengthening 21st Century Community Learning Centers

Increase funding for the 21st Century Community Learning Centers Program.

Allow community-based organizations to apply for 21st Century funds.

Create a 3 percent set-aside for training and technical assistance.

Section B. Youth development: Promoting positive activities for America's youth

Creation of a comprehensive program (the proposed Younger Americans Act) to mobilize and support communities in carrying out youth development activities.

Increase funding for Americorps, Youthbuild, Job Corps, and the Workforce Investment Act youth employment programs to open up more employment opportunities for teens.

TITLE X. SAFE START—EVERY CHILD SHOULD HAVE A SAFE ENVIRONMENT IN WHICH TO LEARN AND TO LIVE—JUVENILE JUSTICE

Amend the Juvenile Justice and Delinquency Prevention Act (JJDPA) by adding the definition of a ''juvenile'' as an individual less than 18 years of age.

Amend the JJDPA to mandate that not less than 75 percent of title V funds be used solely for the purposes of carrying out section 505. Increase funding for Title V to $250 million for fiscal year 2002.

Disproportionate Minority Confinement (DMC)—Strengthen accountability standards

for states to take action to address the disparate treatment of minorities at all stages of the juvenile justice system, including intake, arrest, detention, adjudication, disposition and transfer.

Create a fifth core protection for juveniles by requiring that states provide every adjudicated juvenile with reasonable safety and security, with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care, including necessary mental health services.

Increase funding for the JJDPA Title II, Part B formula grants, to raise the small state minimum to $750,000, create a 3% setaside for the establishment of state juvenile justice coalitions and (include language that coalitions include participation of youth), and a 3% set aside for states to carry out state plans with respect to the DMC core requirement.

Repeal Part H of JJDPA (juvenile boot camps).

Amend title II of the JJDPA by adding Access to Mental Health and Substance Abuse Treatment, a grant program encouraging states to invest in and coordinate with other systems to provide appropriate treatment and other services for incarcerated juvenile offenders.

Fund Services for Youth Offenders at $40 million for fiscal year 2002, providing funding for after care or wrap-around services for youth discharged from the adult criminal or juvenile justice system.

Authorize the Juvenile Accountability Block Grant, which would authorize and significantly modify the Juvenile Accountability Incentive Block Grant (JAIBG) to provide incentives to: build and maintain smaller juvenile facilities, including separate units within juvenile facilities for juveniles tried as adults; require all staff, whether supervising juveniles adjudicated in the adult or juvenile system, are trained appropriately; develop and utilize accountable community-based alternatives to incarceration; risk assessment; and enact Child Access Prevention (CAP) laws.

In order to receive funds under the new block grant, states are prohibited from applying the death penalty to juvenile offenders.

Increase funding for the Runaway and Homeless Youth Act to $120 million for fiscal year 2002.

TITLE XI. SAFE START—EVERY CHILD SHOULD HAVE A SAFE ENVIRONMENT IN WHICH TO LEARN AND TO LIVE—GUN SAFETY

Close the gun show loophole by applying the Brady background check to gun sales conducted through private dealers at events where 50 or more firearms are offered for sale.

Require mandatory safety locks with the sale of all handguns and establish consumer safety standards for such safety locks.

Ban the importation of large capacity ammunition clips capable of holding more than 10 rounds.

Ban the possession of assault weapons by juveniles.

Require FTC study on marketing practices of gun industry.

Ban the possession of handguns by individuals under 21 years of age.

One-gun-a-month purchase limitation.

Regulation of internet sales of firearms.

ENFORCE—enhancements (both authorizing and appropriation) to strengthen enforcement of gun laws.

TITLE XII. MISCELLANEOUS

Direct the Secretary of HHS to establish a blue-ribbon commission to identify and highlight family-friendly practices that the private sector and other employers can promote.

Provide for collection and dissemination of data on the status of children and families who are or have been recipients of government assistance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 941. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce legislation to add approximately 5,000 acres of pristine natural land to the Golden Gate National Recreation Area in San Mateo County. This addition will protect the sweeping views of the San Mateo Coast and ensure the protection of rich farmland, several miles of public trails, and incredible array of wildlife and vegetation. I am happy to be joined by Senator BOXER in sponsoring this legislation.

The property to be added is one of the most visible and important pieces of land on the San Mateo coast north of Half Moon Bay. The largest parcel to be added is a 4,262 acre stretch of land known as the Rancho Corral de Tierra. The Rancho Corral de Tierra is one of the largest undeveloped tracts remaining on the San Mateo Coast and is constantly under threat of development.

The mountainous property, which surrounds the coastal towns of Moss Beach and Montara, was previously purchased by the Peninsula Open Space Trust. The Trust has agreed to transfer the land to the Federal Government for about half of the purchase cost. It is this type of public-private partnership that Congress needs to support in our efforts to preserve open space.

The Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Act of 2001 has the support of the entire Bay Area Congressional Delegation. Similar legislation is being introduced today in the House of Representatives by TOM LANTOS with co-sponsors ANNA ESHOO, NANCY PELOSI, GEORGE MILLER, LYNN WOOLSEY, ELLEN TAUSCHER, PETER STARK, MIKE THOMPSON, BARBARA LEE, MIKE HONDA, and ZOE LOFGREN.

The addition of the Rancho Corral de Tierra property will result in the protection of all or part of four watersheds, and several endangered species such as the peregrine falcon, San Bruno elfin butterfly, San Francisco garter snake, and the red-legged frog. Moreover, due to the coastal marine influence and dramatic altitude changes, plants grow on the property that are found nowhere else in the world.

This legislation will also reauthorize the Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission for another 20 years. The Advisory Commission was established by Congress in 1972 to provide for the free exchange of ideas between the National Park Service and the public. The Commission holds open and accessible public meetings monthly at which the public has an opportunity to comment on park-related issues.

I have always felt that protecting our nation's unique natural areas should be one of our highest priorities. The Golden Gate National Recreation Area is one of our Nation's most heavily visited urban national parks as it is in close proximity to millions of people. I invite my colleagues to join me in supporting this legislation.

By Mr. GRAHAM (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. HUTCHINSON, Mr. BREAUX, Mr. ENSIGN, Mrs. LINCOLN, and Mr. THOMPSON):

S. 942. A bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I rise today on behalf of Senators HUTCHISON, BINGAMAN, HUTCHINSON, BREAUX, ENSIGN, BAUCUS, LINCOLN, THOMPSON, and myself to introduce a piece of legislation which will extend the Temporary Assistance for Needy Families supplemental grants for one year. This grant program has been critical to the success of welfare reform in our States.

The TANF block grant, as it is commonly known, was established in the 1996 welfare law. These were modest supplemental grants for 17 relatively poor or rapidly growing States. The grants were intended to reduce the very large disparity in welfare funding between poorer and wealthier States that resulted from the basic TANF funding formula. The TANF supplemental grants have afforded States, like ours a more adequate opportunity to achieve TANF goals. While TANF is scheduled to be reauthorized in 2002, the supplemental grants included in the 1996 law were authorized only through October 2001.

If the grants expire, 17 States will lose as much as 10 percent of their TANF funding beginning in October 1 of this year. Wealthy, low-growth States will experience no reduction.

These grants are not supplemental in the sense of being add-ons. They were designed as an integral part of the TANF allocation formula and are critical to the success of the TANF programs in the States that receive them. The decision to end the grants a year before reauthorizing the entire program was not a policy consideration, only a financial one. It was done in order to ensure a balanced budget by 2002.

The 2001 budget resolution, passed by both the House and the Senate, provides $319 million for a one-year extension of these important grants. This provision acknowledges the Senate's commitment to maintaining the tools that many of our States require to continue efforts to help people move from welfare to work, from jobs to careers.

Since the passage of the welfare reform law in 1996, more is expected of state welfare systems that ever before. TANF agencies provide a broad range of social services that include job training and employment counseling, reducing out-of-wedlock births and promoting family formation, and addressing individual challenges such as domestic violence—just to name a few. Without the TANF supplemental grants, impacted states will find themselves unable to provide many of the programs that have enabled their citizens to successfully move from public assistance to independence.

Given the significant costs of work supports, many of the 17 States that receive supplemental TANF grants are now spending more TANF funds each year than they receive from their basic TANF grant. In fiscal year 2000, for example, TANF expenditures in nine of the 17 States that receive TANF supplemental grants exceeded 100 percent of their basic TANF allocation. These States are my own home State of Florida, Alaska, Arizona, Arkansas, Idaho, New Mexico, North Carolina, Tennessee, and Texas.

For these reasons, we are requesting that a one year extension of the TANF supplemental grants. This step will help to ensure that high-growth States can continue their welfare reform efforts and will enable the supplemental grants to be considered as part of the overall TANF reauthorization next year.

Support for the extension of this program should come from all Senators who want to see the goals of welfare reform fulfilled. Whether or not one comes from a State that receives TANF supplemental grant dollars, support for this bill will send a loud and clear message that the United States Senate adheres to the goal of ensuring that all States have the means to provide the services necessary to help all Americans, regardless of where they live, to move from dependence to independence.

That is a goal worth fighting for and I encourage all of my Senate colleagues to cosponsor this important piece of legislation.

Mr. BAUCUS. Mr. President, I am glad to cosponsor this bill from my colleagues Senators GRAHAM and HUTCHISON. It's an important matter for those of us who represent less prosperous States. I have worked hard to promote economic development in Montana. It is crucial to providing a better future for the children of my great State. Until the economy improves in Montana, I will advocate for measures such as this one, which help alleviate the difficulties that stem from our circumstances.

When we enacted welfare reform in 1996, a law I am glad to have supported, there was much discussion here about the appropriate way to allocate welfare funds among States. The old funding formula had produced wide disparities, especially between high per capita income States and low per capita income States. In the end it was resolved to provide additional funding in the form of ''TANF supplemental grants'' to certain states which were poorer or had high growth rates or both. However, the funding was only provided through fiscal year 2001, while the rest of the welfare funds were provided through fiscal year 2002, as part of an effort to balance the budget.

Well, the budget is in surplus now. And we need to continue the TANF supplemental grants for one more year, as this legislation would do, so that we can assess it as a part of the policy on overall welfare funding during next year's reauthorization of the 1996 welfare reform law. The TANF supplemental grants represent a substantial source of welfare funds in several states. Failing to continue this funding would mean, in effect, a 10 percent reduction in the allocations for states such as Georgia, North Carolina, Florida, and Louisiana. My own state of Montana received $1 million last year. I assure you we can use those funds to help poor children in Montana, especially the many who have low-income working parents, the kind who hold down two or three part-time minimum wage jobs, which is all too common in my State.

I thank my colleagues for their leadership and look forward to working with them on this bill.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 42—A BILL CONDEMNING THE TALEBAN FOR THEIR DISCRIMINATORY POLICIES AND FOR OTHER PURPOSES

Mr. BROWNBACK (for himself and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 42

Whereas the Taleban militia took power in Afghanistan in 1996, and now rules over 90 percent of the country;

Whereas, under Taleban rule, most political, civil, and human rights are denied to the Afghan people;

Whereas women, minorities, and children suffer disproportionately under Taleban rule;

Whereas, according to the United States Department of State Country Report on Human Rights Practices, violence against women and girls in Afghanistan occurs frequently, including beatings, rapes, forced marriages, disappearances, kidnapings, and killings;

Whereas Taleban edicts isolate Muslim and non-Muslim minorities, and will require the thousands of Hindus living in Taleban-ruled Afghanistan to wear identity labels on their clothing, singling out these minorities for discrimination and harsh treatment;

Whereas Taleban forces have targeted ethnic Shiite Hazaras, many of whom have been massacred, while those who have survived, are denied relief and discriminated against for their religious beliefs;

Whereas non-Muslim religious symbols are banned, and earlier this year Taleban forces obliterated 2 ancient statues of Buddha, claiming they were idolatrous symbols;

Whereas Afghanistan is currently suffering from its worst drought in 3 decades, affecting almost one-half of Afghanistan's 21,000,000 population, with the impact severely exacerbated by the ongoing civil war and Taleban policies denying relief to needy areas;

Whereas the Taleban has systematically interfered with United Nations relief programs and workers, recently closing a new hospital and arresting local workers, closing United Nations World Food Program bakeries providing much needed food, and closing offices of the United Nations Special Mission to Afghanistan in 4 Afghan cities;

Whereas, as a result of those policies, there are more than 25,000,000 persons who are internally displaced within Afghanistan, and this year, contrary to past practice, the Taleban rejected a United Nations call for a cease-fire in order to bring assistance to the internally displaced;

Whereas, as a result of Taleban policies, there are now more than 2,200,000 Afghan refugees in Pakistan, and 500,000 more refugees are expected to flee in the coming months unless some form of relief is forthcoming;

Whereas Pakistan has closed its borders to Afghanistan, and has announced that Pakistani and United Nations officials will begin screening refugees in June with a view toward forcibly repatriating all those who are found to be staying illegally in Pakistan;

Whereas the Taleban leadership continues to give safe haven to terrorists, including Osama bin Laden, and is known to host and provide training ground to other terrorist organizations; and

Whereas the people of Afghanistan are the greatest victims of the Taleban, and in recognition of that fact, the United States has provided $124,000,000 in relief to the people of Afghanistan this year: Now, therefore, be it

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

(1) condemns the harsh and discriminatory policies of the Taleban toward Muslims, Hindus, women, and all other minorities, and the attendant destruction of religious icons;

(2) urges the Taleban to immediately reopen United Nations offices and hospitals and allow the provision of relief to all the people of Afghanistan;

(3) commends President George W. Bush and his administration for their recognition of these urgent issues and encourages President Bush to continue to respond to those issues;

(4) recognizes the burdens placed on the Government of Pakistan by Afghan refugees, and calls on that Government to facilitate the provision of relief to these refugees and to abandon any plans for forced repatriation; and

(5) calls on the international community to increase assistance to the Afghan people and consider granting asylum to at-risk Afghan refugees.

AMENDMENTS SUBMITTED AND PROPOSED

SA 785. Ms. STABENOW (for herself and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table.

SA 786. Mr. GRASSLEY proposed an amendment to amendment SA 763 submitted by Mr. GRAHAM and intended to be proposed to the bill (H.R. 1836) supra.

SA 787. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra.

SA 788. Mr. CORZINE (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1836, supra; which was ordered to lie on the table.

SA 789. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 1836, supra.

TEXT OF AMENDMENTS

SA 785. Ms. STABENOW (for herself and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill H.R. 1836, to provide for reconciliation pursuant pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 63, strike line 4 and all that follows through page 64, line 16.

On page 65, line 12, strike ''and before 2011''.

On page 66, in the table between line 1 and line 2, strike ''2007, 2008, 2009, and 2010'' and insert ''2007 and thereafter''.

On page 68, in the table between line 14 and line 15, add after the item relating to 2010 the following:

''2011 and thereafter $20,000,000.''.

On page 106, after line 6, insert the following: ''(g) Notwithstanding any other provision of law; this subtitle shall not apply to property subject to the estate tax.''

At the end of subtitle A of title VIII, add the following:

SEC. ___. ENSURING FUNDING FOR PRESCRIPTION DRUGS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act—

(1) except for section 1(i)(1) of the Internal Revenue Code of 1986, as added by section 101 of this Act, and any necessary conforming amendments, title I of this Act shall not take effect; and

(2) any provision of title V of this Act that takes effect after 2006 shall not take effect.

(b) STRATEGIC RESERVE FUND FOR LONG-TERM DEBT AND NEEDS.—Subtitle B of title II of H. Con. Res. 83 (107th Congress) is amended by inserting at the end the following:

''SEC. 219. STRATEGIC RESERVE FUND FOR PRESCRIPTION DRUG BENEFITS.

If legislation is reported by the Committee on Finance of the Senate or the Committee on Energy and Commerce or the Committee on Ways and Means of the House of Representatives, or an amendment thereto is offered or a conference report thereon is submitted, that would provide prescription drug benefits, the chairman of the appropriate Committee on the Budget shall, upon the approval of the appropriate Committee on the Budget, revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution for that measure by not to exceed $55,000,000,000 for the total of fiscal years 2002 through 2011, as long as that measure will not, when taken together with all other previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.''.

SA 786. Mr. GRASSLEY proposed an amendment to amendment SA 763 submitted by Mr. GRAHAM and intended to be proposed to the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; as follows:

On page 1, line 2, strike all after the word ''strike'' through the end of page 1, line 3.

On page 20, strike lines 14 and 15 and insert the following:

''This section shall apply to policies issued after January 1st 2006.''

SA 787. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; as follows:

On page 314, after line 21, add the following:

SEC. ___. DISCLOSURE OF TAX INFORMATION TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

Section 6103(d)(5) is amended to read as follows:

''(5) DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.—The Secretary may disclose taxpayer identity information and signatures to any agency, body, or commission of any State for the purpose of carrying out with such agency, body, or commission a combined Federal and State employment tax reporting program approved by the Secretary. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph.''.

SA 788. Mr. CORZINE (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; which was ordered to lie on the table; as follows:

On page 47, between lines 3 and 4, insert the following:

SEC. . EXCLUSION FROM INCOME OF CERTAIN AMOUNTS RECEIVED BY AMERICORPS PARTICIPANTS.

(a) IN GENERAL.—Section 117 of the Internal Revenue Code of 1986 (relating to qualified scholarships) is amended by adding at the end the following:

''(e) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARDS.—

''(1) IN GENERAL.—Gross income for any taxable year shall not include any qualified national service educational award.

''(2) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARD.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified national service educational award' means any amount received by an individual in a taxable year as a national service educational award under section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) to the extent (except as provided in subparagraph (C)) such amount does not exceed the qualified tuition and related expenses (as defined in subsection (b)(2)) of the individual for such taxable year.

''(B) DETERMINATION OF EXPENSES.—The total amount of the qualified tuition and related expenses (as so defined) which may be taken into account under subparagraph (A) with respect to an individual for the taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

''(C) EXCEPTION TO LIMITATION.—The limitation under subparagraph (A) shall not apply to any portion of a national service educational award used by such individual to repay any student loan described in section 148(a)(1) of such Act or to pay any interest expense described in section 148(a)(4) of such Act''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2001.

SA 789. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, as follows:

On page 18, between lines 14 and 15, insert the following:

SEC. 202. EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—

(1) ADOPTION CREDIT.—Section 23(a)(1) (relating to allowance of credit) is amended to read as follows:

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter—

''(A) in the case of an adoption of a child other than a child with special needs, the amount of the qualified adoption expenses paid or incurred by the taxpayer, and

''(B) in the case of an adoption of a child with special needs, $10,000.''.

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137(a) (relating to adoption assistance programs) is amended to read as follows:

''(a) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program. The amount of the exclusion shall be—

''(1) in the case of an adoption of a child other than a child with special needs, the amount of the qualified adoption expenses paid or incurred by the taxpayer, and

''(2) in the case of an adoption of a child with special needs, $10,000.''.

(b) DOLLAR LIMITATIONS.—

(1) DOLLAR AMOUNT OF ALLOWED EXPENSES.—

(A) ADOPTION EXPENSES.—Section 23(b)(1) (relating to allowance of credit) is amended—

(i) by striking ''$5,000'' and inserting ''$10,000'',

(ii) by striking ''($6,000, in the case of a child with special needs)'', and

(iii) by striking ''subsection (a)'' and inserting ''subsection (a)(1)(A)''.

(B) ADOPTION ASSISTANCE PROGRAMS.—Section 137(b)(1) (relating to dollar limitations for adoption assistance programs) is amended—

(i) by striking ''$5,000'' and inserting ''$10,000'', and

(ii) by striking ''($6,000, in the case of a child with special needs)'', and

(iii) by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

(2) PHASE-OUT LIMITATION.—

(A) ADOPTION EXPENSES.—Clause (i) of section 23(b)(2)(A) (relating to income limitation) is amended by striking ''$75,000'' and inserting ''$150,000''.

(B) ADOPTION ASSISTANCE PROGRAMS.—Section 137(b)(2)(A) (relating to income limitation) is amended by striking ''$75,000'' and inserting ''$150,000''.

(c) YEAR CREDIT ALLOWED.—Section 23(a)(2) (relating to year credit allowed) is amended by adding at the end the following new flush sentence:

''In the case of the adoption of a child with special needs, the credit allowed under paragraph (1) shall be allowed for the taxable year in which the adoption becomes final.''.

(d) REPEAL OF SUNSET PROVISIONS.—

(1) CHILDREN WITHOUT SPECIAL NEEDS.—Paragraph (2) of section 23(d) (relating to

definition of eligible child) is amended to read as follows:

''(2) ELIGIBLE CHILD.—The term 'eligible child' means any individual who—

''(A) has not attained age 18, or

''(B) is physically or mentally incapable of caring for himself.''.

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137 (relating to adoption assistance programs) is amended by striking subsection (f).

(e) ADJUSTMENT OF DOLLAR AND INCOME LIMITATIONS FOR INFLATION.—

(1) ADOPTION CREDIT.—Section 23 (relating to adoption expenses) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsection (a)(1)(B) and paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) 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 2001' for 'calendar year 1992' in subparagraph (B) thereof.''.

(2) ADOPTION ASSISTANCE PROGRAMS.—Section 137 (relating to adoption assistance programs), as amended by subsection (d), is amended by adding at the end the following new subsection:

''(f) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsection (a)(2) and paragraphs (1) and (2)(A) of subsection (b) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) 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 2001' for 'calendar year 1992' in subparagraph (B) thereof.''.

(f) LIMITATION BASED ON AMOUNT OF TAX.—

(1) IN GENERAL.—Section 23(c) (relating to carryforwards of unused credit) is amended by striking ''the limitation imposed'' and all that follows through ''1400C)'' and inserting ''the applicable tax limitation''.

(2) APPLICABLE TAX LIMITATION.—Section 23(d) (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) APPLICABLE TAX LIMITATION.—The term 'applicable tax limitation' means the sum of—

''(A) the taxpayer's regular tax liability for the taxable year, reduced (but not below zero) by the sum of the credits allowed by sections 21, 22, 24 (other than the amount of the increase under subsection (d) thereof), 25, and 25A, and

''(B) the tax imposed by section 55 for such taxable year.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 26(a) (relating to limitation based on amount of tax) is amended by inserting ''(other than section 23)'' after ''allowed by this subpart''.

(B) Section 53(b)(1) (relating to minimum tax credit) is amended by inserting ''reduced by the aggregate amount taken into account under section 23(d)(3)(B) for all such prior taxable years,'' after ''1986,''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

At the end of subtitle A of title VIII add the following:

SEC. ___. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) IN GENERAL.—Section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents.''.

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) (relating to other coverage) is amended to read as follows: ''Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

On page 314, after line 21, insert the following:

SEC. ___. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) IN GENERAL.—Section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents.''

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) (relating to other coverage) is amended to read as follows: ''Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

On page 41, strike line 15 and all that follows through line 18, and insert the following:

''(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall not apply to any transfer if such transfer occurs within 12 months from the date of a previous transfer to any qualified tuition program for the benefit of the designated beneficiary.'', and

On page 18, between lines 14 and 15, insert the following:

SEC. 202. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

Any payment considered to have been made to any individual by reason of section 24 of the Internal Revenue Code of 1986, as amended by section 201, shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following month, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

On page 31, lines 3 and 4, strike ''computer equipment (including related software and services)''.

On page 31, line 10, strike ''and''.

On page 31, line 17, strike the end period and insert '', and''.

On page 31, between lines 17 and 18, insert:

''(iii) expenses for the purchase of any computer technology or equipment (as defined in section 170(e)(6)(F)(i)) or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is in school. Such terms shall not include computer software involving sports, games or hobbies unless the software is educational in nature.

At the end of the bill, add the following:

TITLE ___—SECTION 527 POLITICAL ORGANIZATION REPORTING REQUIREMENTS

SEC. ___01. EXEMPTION FOR STATE AND LOCAL CANDIDATE COMMITTEES FROM NOTIFICATION REQUIREMENTS.

(a) EXEMPTION FROM NOTIFICATION REQUIREMENTS.—Paragraph (5) of section 527(i) (relating to organizations must notify Secretary that they are section 527 organizations) is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by adding at the end the following:

''(C) which is a political committee of a State or local candidate.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by Public Law 106–230.

SEC. ___02. EXEMPTION FOR CERTAIN STATE AND LOCAL POLITICAL COMMITTEES FROM REPORTING AND ANNUAL RETURN REQUIREMENTS.

(a) EXEMPTION FROM REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 527(j)(5) (relating to coordination with other requirements) is amended by striking ''or'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', or'', and by adding at the end the following:

''(F) to any organization described in paragraph (7), but only if, during the calendar year—

''(i) such organization is required by State or local law to report, and such organization reports, information regarding each separate expenditure and contribution (including information regarding the person who makes such contribution or receives such expenditure) with respect to which information would otherwise be required to be reported under this subsection, and

''(ii) such information is made public by the agency with which such information is filed and is publicly available for inspection in a manner similar to reports under section 6104(d)(1).

An organization shall not be treated as failing to meet the requirements of subparagraph (F)(i) solely because the minimum amount of any expenditure or contribution required to be reported under State or local law is greater (but not by more than $100) than the minimum amount required under this subsection.''.

(2) DESCRIPTION OF ORGANIZATION.—Section 527(j) is amended by adding at the end the following:

''(7) CERTAIN ORGANIZATIONS.—An organization is described in this paragraph if—

''(A) such organization is not described in subparagraph (A), (B), (C), or (D) of paragraph (5),

''(B) such organization does not engage in any exempt function activities other than activities for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization, and

''(C) no candidate for Federal office or individual holding Federal office—

''(i) controls or materially participates in the direction of such organization,

''(ii) solicits any contributions to such organization, or

''(iii) directs, in whole or in part, any expenditure made by such organization.''.

(b) EXEMPTION FROM REQUIREMENTS FOR ANNUAL RETURN BASED ON GROSS RECEIPTS.—Paragraph (6) of section 6012(a) (relating to persons required to make returns of income) is amended by striking ''organization, which'' and all that follows through ''section)'' and inserting ''organization—

''(A) which has political organization taxable income (within the meaning of section 527(c)(1)) for the taxable year, or

''(B) which—

''(i) is not a political committee of a State or local candidate or an organization to which section 527 applies solely by reason of subsection (f)(1) of such section, and

''(ii) has gross receipts of—

''(I) in the case of political organization described in section 527(j)(5)(F), $100,000 or more for the taxable year, and

''(II) in the case of any other political organization, $25,000 or more for the taxable year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by Public Law 106–230.

SEC. ___03. NOTIFICATION OF INTERACTION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Federal Election Commission, shall publicize—

(1) the effect of the amendments made by this title, and

(2) the interaction of requirements to file a notification or report under section 527 of the Internal Revenue Code of 1986 and reports under the Federal Election Campaign Act of 1971.

(b) INFORMATION.—Information provided under subsection (a) shall be included in any appropriate form, instruction, notice, or other guidance issued to the public by the Secretary of the Treasury or the Federal Election Commission regarding reporting requirements of political organizations (as defined in section 527 of the Internal Revenue Code of 1986) or reporting requirements under the Federal Election Campaign Act of 1971.

SEC. ___04. WAIVER OF PENALTIES.

(a) WAIVER OF FILING PENALTIES.—Section 527 is amended by adding at the end the following:

''(k) AUTHORITY TO WAIVE.—The Secretary may waive all or any portion of the—

''(1) tax assessed on an organization by reason of the failure of the organization to give notice under subsection (i), or

''(2) penalty imposed under subsection (j) for a failure to file a report,

on a showing that such failure was due to reasonable cause and not due to willful neglect.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any tax assessed or penalty imposed after June 30, 2000.

At the end of subtitle A of title II insert the following:

SEC. ___. DEPENDENT CARE CREDIT.

(a) INCREASE IN DOLLAR LIMIT.—Subsection (c) of section 21 (relating to expenses for household and dependent care services necessary for gainful employment) is amended—

(1) by striking ''$2,400'' in paragraph (1) and inserting ''$3,000'',

(2) by striking ''$4,800'' in paragraph (2) and inserting ''$6,000'',

(b) INCREASE IN APPLICABLE PERCENTAGE.—Section 21(a)(2) (defining applicable percentage) is amended—

(1) by striking ''30 percent'' and inserting ''40 percent'', and

(2) by striking ''$10,000'' and inserting ''$20,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

At the end of subtitle B of title IV add the following:

SEC. ___. EXCLUSION FROM INCOME OF CERTAIN AMOUNTS CONTRIBUTED TO COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 127 (relating to education assistance programs), as amended by section 411(a), is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

''(d) QUALIFIED COVERDELL EDUCATION SAVINGS ACCOUNT CONTRIBUTIONS.—

''(1) IN GENERAL.—Gross income of an employee shall not include amounts paid or incurred by the employer for a qualified Coverdell education savings account contribution on behalf of the employee.

''(2) QUALIFIED COVERDELL EDUCATION SAVINGS ACCOUNT CONTRIBUTION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified Coverdell education savings account contribution' means an amount contributed pursuant to an educational assistance program described in subsection (b) by an employer to a Coverdell education savings account established and maintained for the benefit of an employee or the employee's spouse, or any lineal descendent of either.

''(B) DOLLAR LIMIT.—A contribution by an employer to a Coverdell education savings account shall not be treated as a qualified Coverdell education savings account contribution to the extent that the contribution, when added to prior contributions by the employer during the calendar year to Coverdell education savings accounts established and maintained for the same beneficiary, exceeds $500.

''(3) SPECIAL RULES.—

''(A) CONTRIBUTIONS NOT TREATED AS EDUCATIONAL ASSISTANCE IN DETERMINING MAXIMUM EXCLUSION.—For purposes of subsection (a)(2), qualified Coverdell education savings account contributions shall not be treated as educational assistance.

''(B) SELF-EMPLOYED NOT TREATED AS EMPLOYEE.—For purposes of this subsection, subsection (c)(2) shall not apply.

''(C) ADJUSTED GROSS INCOME PHASEOUT OF ACCOUNT CONTRIBUTION NOT APPLICABLE TO INDIVIDUAL EMPLOYERS.—The limitation under section 530(c) shall not apply to a qualified Coverdell education savings account contribution made by an employer who is an individual.

''(D) CONTRIBUTIONS NOT TREATED AS AN INVESTMENT IN THE CONTRACT.—For purposes of section 530(d), a qualified Coverdell education savings account contribution shall not be treated as an investment in the contract.''.

(E) FICA EXCLUSION.—For purposes of section 530(d), the exclusion from FICA taxes shall not apply.

(b) REPORTING REQUIREMENT.—Section 6051(a) (relating to receipts for employees) is amended by striking ''and'' at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting '', and'', and by adding at the end the following new paragraph:

''(12) the amount of any qualified Coverdell education savings account contribution under section 127(d) with respect to such employee.''.

(c) CONFORMING AMENDMENT.—Section 221(e)(2)(A) is amended by inserting ''(other than under subsection (d) thereof)'' after ''section 127''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2001.

On page 18, between lines 14 and 15, insert the following:

SEC. 202. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by sections 619 and 620, is further amended by adding at the end the following:

''SEC. 45G. EMPLOYER-PROVIDED CHILD CARE CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to the sum of—

''(1) 25 percent of the qualified child care expenditures, and

''(2) 10 percent of the qualified child care resource and referral expenditures,

of the taxpayer for such taxable year.

''(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED CHILD CARE EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

''(i) to acquire, construct, rehabilitate, or expand property—

''(I) which is to be used as part of a qualified child care facility of the taxpayer,

''(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

''(III) which does not constitute part of the principal residence (within the meaning of section 121) of the taxpayer or any employee of the taxpayer,

''(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training, or

''(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer.

''(B) FAIR MARKET VALUE.—The term 'qualified child care expenditures' shall not include expenses in excess of the fair market value of such care.

''(2) QUALIFIED CHILD CARE FACILITY.—

''(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

''(i) the principal use of which is to provide child care assistance, and

''(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 121) of the operator of the facility.

''(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

''(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

''(ii) if the facility is the principal trade or business of the taxpayer, at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

''(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

''(3) QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified child care resource and referral expenditure' means any amount paid or incurred under a contract to provide child care resource and referral services to an employee of the taxpayer.

''(B) NONDISCRIMINATION.—The services shall not be treated as qualified unless the provision of such services (or the eligibility to use such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

''(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

''(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

''(A) the applicable recapture percentage, and

''(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

''(2) APPLICABLE RECAPTURE PERCENTAGE.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	The applicable recapture percentage is:
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

''(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

''(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

''(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

''(B) CHANGE IN OWNERSHIP.—

''(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

''(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

''(4) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

''(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

''(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

''(f) NO DOUBLE BENEFIT.—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle—

''(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

''(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

''(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', plus'', and by adding at the end the following:

''(14) the employer-provided child care credit determined under section 45G.''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following:

''Sec. 45G. Employer-provided child care credit.''

(3) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting '', and'', and by adding at the end the following:

''(28) in the case of a facility with respect to which a credit was allowed under section 45G, to the extent provided in section 45G(f)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

On page 18, between lines 14 and 15, insert the following:

SEC. 202. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by sections 619 and 620, is further amended by adding at the end the following:

''SEC. 45G. EMPLOYER-PROVIDED CHILD CARE CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to the sum of—

''(1) 25 percent of the qualified child care expenditures, and

''(2) 10 percent of the qualified child care resource and referral expenditures,

of the taxpayer for such taxable year.

''(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED CHILD CARE EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified child care expenditure' means any amount paid or incurred—

''(i) to acquire, construct, rehabilitate, or expand property—

''(I) which is to be used as part of a qualified child care facility of the taxpayer,

''(II) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

''(III) which does not constitute part of the principal residence (within the meaning of section 121) of the taxpayer or any employee of the taxpayer,

''(ii) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training, or

''(iii) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer.

''(B) FAIR MARKET VALUE.—The term 'qualified child care expenditures' shall not include expenses in excess of the fair market value of such care.

''(2) QUALIFIED CHILD CARE FACILITY.—

''(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

''(i) the principal use of which is to provide child care assistance, and

''(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 121) of the operator of the facility.

''(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

''(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

''(ii) if the facility is the principal trade or business of the taxpayer, at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

''(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

''(3) QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified child care resource and referral expenditure' means any amount paid or incurred under a contract to provide child care resource and referral services to an employee of the taxpayer.

''(B) NONDISCRIMINATION.—The services shall not be treated as qualified unless the provision of such services (or the eligibility

to use such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

''(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

''(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

''(A) the applicable recapture percentage, and

''(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

''(2) APPLICABLE RECAPTURE PERCENTAGE.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

''If the recapture event occurs in:	The applicable recapture percentage is:
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

''(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

''(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

''(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

''(B) CHANGE IN OWNERSHIP.—

''(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

''(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

''(4) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

''(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

''(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

''(f) NO DOUBLE BENEFIT.—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle—

''(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

''(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

''(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', plus'', and by adding at the end the following:

''(14) the employer-provided child care credit determined under section 45G.''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following:

''Sec. 45G. Employer-provided child care credit.''

(3) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting '', and'', and by adding at the end the following:

''(28) in the case of a facility with respect to which a credit was allowed under section 45G, to the extent provided in section 45G(f)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

On page 314, after line 21, add the following:

SEC. 803. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 (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 CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

''(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

''(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

''(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

''(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

''(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

''(ii) the taxpayer—

''(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

''(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

''(iii) the donee is an organization described in subsection (b)(1)(A),

''(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

''(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

''(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

''(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

''(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

''(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

''(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

''(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

''(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

''(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

''(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

''(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

''(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

At the end of subtitle A of title VIII insert the following:

SEC. ___. WAIVER OF STATUTE OF LIMITATION FOR TAXES ON CERTAIN FARM VALUATIONS.

If on the date of the enactment of this Act (or at any time within 1 year after the date of the enactment) a refund or credit of any overpayment of tax resulting from the application of section 2032A(c)(7)(E) of the Internal Revenue Code of 1986 is barred by any law or rule of law, the refund or credit of such overpayment shall, nevertheless, be made or allowed if claim therefor is filed before the date 1 year after the date of the enactment of this Act.

At the end of subtitle A of title VIII insert the following:

SEC. ___. RESEARCH CREDIT.

(a) PERMANENT EXTENSION OF RESEARCH CREDIT.—

(1) IN GENERAL.—Section 41 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) is amended by striking subparagraph (D).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after the date of the enactment of this Act.

(b) INCREASES IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking ''2.65 percent'' and inserting ''3 percent'',

(B) by striking ''3.2 percent'' and inserting ''4 percent'', and

(C) by striking ''3.75 percent'' and inserting ''5 percent''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

At the end of the matter proposed to be inserted, add the following:

SEC. ___. CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES AGAINST WIDESPREAD DISEASES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 620, is amended by adding at the end the following new section:

''SEC. 45G. CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES AGAINST WIDESPREAD DISEASES.

''(a) GENERAL RULE.—For purposes of section 38, the vaccine research credit determined under this section for the taxable year is an amount equal to 30 percent of the qualified vaccine research expenses for the taxable year.

''(b) QUALIFIED VACCINE RESEARCH EXPENSES.—For purposes of this section—

''(1) QUALIFIED VACCINE RESEARCH EXPENSES.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified vaccine research expenses' means the amounts which are paid or incurred by the taxpayer during the taxable year which would be described in subsection (b) of section 41 if such subsection were applied with the modifications set forth in subparagraph (B).

''(B) MODIFICATIONS; INCREASED INCENTIVE FOR CONTRACT RESEARCH PAYMENTS.—For purposes of subparagraph (A), subsection (b) of section 41 shall be applied—

''(i) by substituting 'vaccine research' for 'qualified research' each place it appears in paragraphs (2) and (3) of such subsection, and

''(ii) by substituting '100 percent' for '65 percent' in paragraph (3)(A) of such subsection.

''(C) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified vaccine research expenses' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(2) VACCINE RESEARCH.—The term 'vaccine research' means research to develop vaccines and microbicides for—

''(A) malaria,

''(B) tuberculosis,

''(C) HIV, or

''(D) any infectious disease (of a single etiology) which, according to the World Health Organization, causes over 1,000,000 human deaths annually.

''(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any qualified vaccine research expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.

''(2) EXPENSES INCLUDED IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any qualified vaccine research expenses for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(d) SPECIAL RULES.—

''(1) LIMITATIONS ON FOREIGN TESTING.—No credit shall be allowed under this section with respect to any vaccine research (other than human clinical testing) conducted outside the United States.

''(2) PRE-CLINICAL RESEARCH.—No credit shall be allowed under this section for preclinical research unless such research is pursuant to a research plan an abstract of which has been filed with the Secretary before the beginning of such year. The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe regulations specifying the requirements for such plans and procedures for filing under this paragraph.

''(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

''(4) ELECTION.—This section (other than subsection (e)) shall apply to any taxpayer for any taxable year only if such taxpayer elects to have this section apply for such taxable year.

(b) INCLUSION IN GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Section 38(b), as amended by section 620, is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) the vaccine research credit determined under section 45G.''.

(2) TRANSITION RULE.—Section 39(d), as amended by section 620, is amended by adding at the end the following new paragraph:

''(12) NO CARRYBACK OF SECTION 45G CREDIT BEFORE ENACTMENT.—No portion of the unused business credit for any taxable year which is attributable to the vaccine research credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

''(d) CREDIT FOR QUALIFIED VACCINE RESEARCH EXPENSES.—

''(1) IN GENERAL.—No deduction shall be allowed for that portion of the qualified vaccine research expenses (as defined in section 45G(b)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45G(a).

''(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (2), (3), and (4) of subsection (c) shall apply for purposes of this subsection.''.

(d) DEDUCTION FOR UNUSED PORTION OF CREDIT.—Section 196(c) (defining qualified business credits) is amended by striking ''and'' at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting '', and'', and by adding at the end the following new paragraph:

''(10) the vaccine research credit determined under section 45G(a) (other than such credit determined under the rules of section 280C(d)(2)).''.

(e) TECHNICAL AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''or from section 45G(e) of such Code,'' after ''1978,''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 620, is amended by adding at the end the following new item:

''Sec. 45G. Credit for medical research related to developing vaccines against widespread diseases.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

On page 55, strike line 8 and insert the following:

529(c)(1), or 530(d)(2). For purposes of the preceding sentence, the amount taken into account in determining the amount excluded under section 529(c)(1) shall not include that portion of the distribution which represents a return of any contributions to the plan.

On page 52, between lines 11 and 12, insert the following:

SEC. 423. TREATMENT OF BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.

(a) IN GENERAL.—Section 145 (defining qualified 501(c)(3) bond) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.—

''(1) IN GENERAL.—If—

''(A) the proceeds of any bond are used to acquire land (or a long-term lease thereof) together with any renewable resource associated with the land (including standing timber, agricultural crops, or water rights) from an unaffiliated person,

''(B) the land is subject to a conservation restriction—

''(i) which is granted in perpetuity to an unaffiliated person that is—

''(I) a 501(c)(3) organization, or

''(II) a Federal, State, or local government conservation organization,

''(ii) which meets the requirements of clauses (ii) and (iii)(II) of section 170(h)(4)(A),

''(iii) which exceeds the requirements of relevant environmental and land use statutes and regulations, and

''(iv) which obligates the owner of the land to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction,

''(C) a management plan which meets the requirements of the statutes and regulations referred to in subparagraph (B)(iii) is developed for the conservation of the renewable resources, and

''(D) such bond would be a qualified 501(c)(3) bond (after the application of paragraph (2)) but for the failure to use revenues derived by the 501(c)(3) organization from the sale, lease, or other use of such resource as otherwise required by this part,

such bond shall not fail to be a qualified 501(c)(3) bond by reason of the failure to so use such revenues if the revenues which are not used as otherwise required by this part are used in a manner consistent with the stated charitable purposes of the 501(c)(3) organization.

''(2) TREATMENT OF TIMBER, ETC.—

''(A) IN GENERAL.—For purposes of subsection (a), the cost of any renewable resource acquired with proceeds of any bond described in paragraph (1) shall be treated as a cost of acquiring the land associated with the renewable resource and such land shall not be treated as used for a private business use because of the sale or leasing of the renewable resource to, or other use of the renewable resource by, an unaffiliated person to the extent that such sale, leasing, or other use does not constitute an unrelated trade or business, determined by applying section 513(a).

''(B) APPLICATION OF BOND MATURITY LIMITATION.—For purposes of section 147(b), the cost of any land or renewable resource acquired with proceeds of any bond described in paragraph (1) shall have an economic life commensurate with the economic and ecological feasibility of the financing of such land or renewable resource.

''(C) UNAFFILIATED PERSON.—For purposes of this subsection, the term 'unaffiliated person' means any person who controls not more than 20 percent of the governing body of another person.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to obligations issued after January 1, 2002, and before January 1, 2005.

At the end of subtitle A of title VIII add the following:

SEC. ___. ACCELERATION OF BENEFITS OF WAGE TAX CREDITS FOR EMPOWERMENT ZONES.

(a) IN GENERAL.—Section 113(d) of the Community Renewal Tax Relief Act of 2000 is amended by striking ''December 31, 2001'' and inserting ''the earlier of—

''(1) the date of the enactment of the Restoring Earnings To Lift Individuals and Empower Families (RELIEF) Act of 2001, or

''(2) July 1, 2001''.

At the end of subtitle D of Title IV add the following:

SEC. ___. CONTRIBUTIONS OF BOOK INVENTORY.

(a) IN GENERAL.—Section 170(e)(3) (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

''(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether or not—

''(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

''(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

''(ii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books, but only if the contribution is to an organization—

''(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

''(II) described in section 501(c)(3) and exempt from tax under section 501(a) which is organized primarily to make books available to the general public at no cost or to operate a literacy program.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) (relating to real property acquired by a qualified organization) 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 new clause:

''(iv) a qualified hospital support organization (as defined in subparagraph (I)).''.

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) is amended by adding at the end the following new subparagraph:

''(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

''(i) more than half of its assets (by value) at any time since its organization—

''(I) were acquired, directly or indirectly, by gift or devise, and

''(II) consisted of real property, and

''(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred after December 31, 2003.

On page 314, after line 21, add the following:

SEC. ___. TAX-EXEMPT BOND AUTHORITY FOR TREATMENT FACILITIES REDUCING ARSENIC LEVELS IN DRINKING WATER.

(a) IN GENERAL.—Section 142(e) (relating to facilities for the furnishing of water) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(2) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes'', and

(3) by adding at the end the following:

''(2) FACILITIES REDUCING ARSENIC LEVELS INCLUDED.—Such term includes improvements to facilities in order to comply with the 10 parts per billion arsenic standard recommended by the National Academy of Sciences.''.

(b) FACILITIES NOT SUBJECT TO STATE CAP.—Section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking ''and'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting '', and'', and

(3) by inserting after paragraph (4), the following new paragraph:

''(5) any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).''.

(c) EXEMPT FROM AMT.—Section 57(a)(5)(C) (relating to tax-exempt interest of specified private activity bonds) is amended by adding at the end the following new clause:

''(v) EXCEPTION FOR CERTAIN WATER FACILITY BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any exempt facility bond issued as part of an issue described in section 142(a)(4) (relating to facilities for the furnishing of water), but only to the extent the property to be financed by the net proceeds of the issue is described in section 142(e)(2).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

Beginning on page 19, line 21, strike all through page 22, line 1, and insert:

''(7) APPLICABLE PERCENTAGE.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	**The applicable percentage is—**
2005	174
2006	184
2007	187
2008	190
2009 and thereafter	200.''.

(c) TECHNICAL AMENDMENTS.—

On page 21, line 2, strike ''2005'' and insert ''2004''.

On page 21, strike the table following line 21, and insert:

''For taxable years beginning in calendar year—	**The applicable percentage is—**
2005	174
2006	184
2007	187
2008	190
2009 and thereafter	200.

At the end of subtitle A of title VIII, insert:

SEC. ___. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAX PAYMENTS DUE IN 2011.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, the amount of any required installment of any corporate estimated tax payment due under such section in July, August, or September of 2011 shall be equal to 170 percent of the amount of such installment determined without regard to this section.

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of

the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to review the implementation of the Recreation Fee Demonstration Program and to review efforts to extend or make the program permanent.

The hearing will take place on Thursday, June 14, 2001, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD–354, Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Shane Perkins of the Committee staff at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on May 23, 2001, to conduct a markup on the nomination of Mr. Alphonso R. Jackson, of Texas, to be Deputy Secretary of Housing and Urban Development; Mr. Richard A. Hauser, of Maryland, to be General Counsel of the Department of Housing and Urban Development; Mr. John Charles Weicher, of the District of Columbia, to be Assistant Secretary of Housing and Urban Development and serve as the Federal Housing Commissioner; and the Hon. Romolo A. Bernardi, of New York, to be Assistant Secretary of Housing and Urban Development for community planning and development.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 23, 2001, at 9:30 a.m., on boxing.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 23, for purposes of conducting a business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business, as follows:

Agenda Item No. 1—S. 507—To implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

Agenda Item No. 5—Nomination of Patrick henry Wood III to be a Commissioner of the Federal Energy Regulatory Commission.

Agenda Item No. 6—Nomination of Nora Mead Brownell to be a Commissioner of the Federal Energy Regulatory Commission.

Agenda Item No. 7—Nomination of Lee Sarah Liberman Otis to be General Counsel of the Department of Energy.

Agenda Item No. 8—Nomination of Jesse Hill Roberson to be Assistant Secretary of Energy for Environmental Management.

Agenda Item No. 9—Nomination of J. Steven Griles to be Deputy Secretary of the Department of the Interior.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 23, immediately following the committee business meeting to conduct a hearing. The committee will receive testimony regarding the administration's National Energy Policy Report.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on May 23, 2001, at 11:30 a.m., for a business meeting.

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

COMMITTEE ON FOREIGN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 23, 2001, at 10:30 a.m. and 2:30 p.m., to hold two hearings as follows:

10:30 a.m., room S–116—Nominee: The Honorable Howard H. Baker, Jr., of Tennessee, to be Ambassador to Japan, to be introduced by the Honorable Fred Thompson, the Honorable Bill Frist, and the Honorable Robert C. Byrd.

2:30 p.m., room SD–419—Witnesses: Dr. Norbert Vollertsen, Volunteer, German Emergency Doctors, Germany; Mr. Chuck Downs, Former Defense Policy Analyst, House Republican Policy Committee; and Consultant, McLean, VA; the Honorable James T. Laney, co-chair, Council on Foreign Relations Korea Task Force, Atlanta, GA; the Honorable Robert L. Gallucci, Dean, Georgetown University, Edmund A. Walsh School of Foreign Service, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 23, 2001, at 9:30 a.m., for a business meeting to consider pending committee business.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 23, 2001, at 10 a.m., in Dirksen 226.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 23, 2001, at 2 p.m., on carbon sequestration.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWNBACK). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF HOWARD H. BAKER, JR., OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Howard H. Baker, Jr. The nomination will be stated.

The bill clerk read the nomination of Howard H. Baker, Jr., of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

The Senate proceeded to consider the nomination.

The PRESIDING OFFICER. There are 2 hours equally divided for consideration of the nomination. Who yields time? The Senator from Wyoming.

Mr. THOMAS. Mr. President, I do want to talk a moment about the nomination of Howard Baker to be Ambassador to Japan. I am chairman of the Subcommittee on Asia and the Pacific Rim. We held a hearing today for Howard Baker. Fortunately, we were able to move it today so that his nomination can be voted on for confirmation.

Mr. President, I am pleased to accept Howard Baker as Ambassador to Japan. I am chairman of that subcommittee on Asia and the Pacific rim. Certainly one of the most important countries in that area is Japan, a country with which we have worked closely

for a very long time. We have had some of our highest profile Ambassadors in Japan, people in the past who had come from the Senate, also including a Speaker of the House and a majority leader of the Senate several years ago.

Now we have the opportunity—and I was very pleased to be able today to hold that hearing—to have Howard Baker as our nominee whom the President nominated to this important task. We are very proud to pass it on. We thank the leader for being able to bring it to the floor today so we can get our Ambassador in place in Japan.

Japan is key, of course, to much of what we do in the Asian area, and it is key to what we do in Korea, particularly North Korea and the Korean peninsula. We need to work with Japan to do that. The same is true with Taiwan and China. Japan is our partner.

Of course, they are the largest economy in that area and continue to have some economic problems, particularly banking problems. We have some things we have to work out with them with regard to our Armed Forces being in Okinawa and work out things to see if we can reduce the deficit with have in trade.

I cannot think of a better person to represent us. He has great experience and great compassion. He worked in the White House, in the Senate, and has been the Senate floor leader. He has done all things in public. I am delighted Howard Baker is our nominee.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I see other Senators who are here to speak on behalf of former Senate Majority Leader Howard Baker to be Ambassador to Japan. I will not be too long. I am delighted to have this opportunity. I think this is such a great selection for this very important position as Ambassador to Japan.

I feel a personal relationship with Howard Baker for a lot of reasons. First of all, I think Howard Baker was the first live Republican I actually saw up close in my life. When I was growing up in Pascagoula, MS, there was none. Then I had the good fortune of going to the great center of learning, Oxford, MS. There I saw this outstanding and very calming and articulate spokesman, Howard Baker, on Memphis television. I was impressed. And he was a Republican. I started listening to him and watching him and had occasion to meet him one time when he came down to the university.

Of course, this outstanding man from a small town in Tennessee ran for the Senate. He didn't go through the State legislature and through the House of Representatives and eventually to the Senate. He went straight to the Senate.

Of course, it is of interest that his mother and his father had also served in the House of Representatives. I believe his mother had been the sheriff of the county in Tennessee. I think that is accurate. He had a pedigree of knowledge, the people of Tennessee and of governments. So it was a natural for him to go straight to the Senate.

His wife, of course, was the daughter of Everett Dirksen. He of the melodious voice, a legend in his own time, his portrait hangs on the majority leader's conference wall. He had that influence.

Immediately, he drew attention and respect. Immediately, he started to seek leadership in the Senate. He was not successful the first time. I think the Senator from Alaska can remember the details of that. He very quickly, comparatively speaking, became the leader of the Republicans of the Senate and then of course, in 1980, after the election, became the majority leader.

I remember watching him from my perch on the House side of the Capitol as the Republican whip at the time and having meetings with him in his room where he always had the fireplace going. I was always impressed. There were a couple of difficult issues with which we had to deal—the settling of AWAC, the Panama Canal. I can remember not agreeing with the position he took on at least one of those.

I watched how masterful he was. I remember coming over and watching one of the votes. We were standing in the back of the Chamber. As I recall, he sat on the corner of the table, and it seemed to have an influence on voters just because he was sitting there. Though both those motions prevailed, and they were in many ways unpopular, I remember sending him a handwritten note at the time how impressed I was at how he pulled those issues together in a bipartisan way.

Soft spoken; intellectual, actually. A lot of people would be surprised that an intellectual could rise to that kind of position, but he did.

Now I have an even greater respect for his leadership since I have for the past 5 years been able to serve as majority leader. I remember telling my immediate predecessor, Bob Dole: I thought your job was a piece of cake. Why wasn't it that way when I got here? This job is a challenge, every day. You have people who disagree with you around you, your friends on both sides of the aisle, and you try to give some direction to get some result. I truly now have a renewed and greater respect for the majority leader and the majority leader's position, and for Howard Baker in particular.

Of course, he went on to run for President. In fact, I think almost every majority leader except George Mitchell and Trent Lott have been candidates for President. I might note, none of them has been successful, although Lyndon Johnson did manage to come in sort of through the back door, after being selected to be Vice President. He did a wonderful job.

Then he showed even greater wisdom. He said: I've done that job; I'm out of here. And he went back to the private sector. And did he disappear into the hills of Tennessee? No, though that is where he seeks refuge to this very day. He went into the private sector, went to a law firm. He is involved and thoughtful. He returned to public service as Chief of Staff to President Reagan.

Probably his greatest stroke of recent years is his marriage to the fine former Senator from Kansas, Nancy Kassebaum. What a duo that is.

Just a year or so ago in our continuing Leader's Lecture Series, Howard Baker was one of the speakers. It was extremely interesting. He gave us a Baker's dozen of suggestions of being in the Senate. That is 13, for those who are not from the South or who don't know a baker's dozen is 13. It was a great list, and he did a wonderful job.

Now he has been selected for this position. I received a call a couple weeks ago from none other than Senator BYRD who said: This is our colleague. We know him well. He was our majority leader. He wasn't just a member or just a leader; he was majority leader at a very tough, difficult time.

He worked with Senator BYRD across the aisle.

We don't have to wait for weeks or months for an investigation. We know this man. Let's move it. Let's expedite it.

The committee had its hearing today, and the Senate will vote tonight. We will vote to confirm Howard Baker, and he will be an Ambassador, very similar to the ones who have preceded him, former Majority Leader Mike Mansfield and former Speaker of the House Tom Foley.

Japan, I hope, recognizes and appreciates that we send them as our Ambassador the very best. That tradition continues with Howard Baker. I am delighted we are moving expeditiously. We will get this confirmation done. Senator Baker and his helpmate, Senator Kassebaum, will be great diplomats for America. They will be a tremendous asset for all who get to know him in Japan. I thank all of my Senate colleagues for agreeing to move this nomination expeditiously.

I invite Senator Baker to join us in about an hour and a half to hear the next Leader's Lecture presentation from former President of the Senate, former House Member, Gerald Ford.

The PRESIDING OFFICER. The Senator from the great State of Alaska.

Mr. STEVENS. Mr. President, I am delighted to follow our leader, speaking about our former majority leader, Howard Baker, and his lovely lady, Senator Kassebaum. As one whose home is closer to Tokyo than it is to Washington, DC, I welcome this appointment.

This is the century of the Pacific. If one really studies geopolitical affairs in this world, they can only come to the conclusion that the Pacific is going to be the region of great interest to the world, of great potential, and of great strife if we are not careful.

I am delighted the President has chosen Howard Baker to become the Ambassador to Japan. He has shown his

leadership on the floor of the Senate and in activities he has participated in around the world since he left the Senate. His wife, as we know, is one of the distinguished leading ladies of this country. The President is very smart. He gets two Ambassadors for the price of one.

We will welcome him going to Alaska on his way to Japan and on his way back because he is a great friend. It was my privilege to serve with Howard Baker. During the 8 years he was the leader I was assistant leader, and I consider him one of the finest Americans who has ever lived. I am glad to see he continues being willing to serve our country, and I shall vote for him.

I yield the floor.

Mr. WARNER. Mr. President, I rise today in strong support of the nomination of my good friend and former colleague Senator Howard Baker to be U.S. Ambassador to Japan. I can think of no finer individual to serve in this important post, for no finer person ever served in the U.S. Senate.

Having an Ambassador to Japan with Senator Baker's experience, knowledge, and statesmanship is crucial during this important period in U.S.-Japan relations. It is vital to America's goals for peace in this region. The overall security situation in Asia is of utmost importance. Having Senator Baker representing the United States in Japan will be a tremendous asset as we work to maintain security and stability in that vital region.

He proudly served as a sailor—P.T. boat sailor—who knows how to navigate rough seas.

Senator Baker's past service to the nation has been exemplary. He represented his home State of Tennessee for three terms in the Senate, from 1967 until 1985. Over the course of his final four years in the Senate, Howard Baker served with distinction as the Senate majority leader. After leaving the Senate, Senator Baker went on to serve the Nation as former President Reagan's Chief of Staff and as a member of the President's Foreign Intelligence Advisory Board.

Senator Baker, of all people, fully understands the demands and sacrifices we ask of our public officials and their families. His willingness to take on this challenge and once again return to public service is greatly appreciated. By his side, indeed a partner, will be his lovely wife, our former colleague, Nancy Kassehaum Baker.

Mr. President, I have been fortunate, to have worked with Senator Baker for many years. I have the great privilege to now be in my fourth term because of his help, and, above all, his advice and friendship The Nation, the Senate wish them both good fortune.

Mr. HATCH. Mr. President, the Presidents of this country long ago established a tradition of nominating the most eminent of our political leaders to be ambassadors to Japan. Former Senators Mansfield and Mondale, and most recently, Speaker Tom Foley have maintained that tradition of diplomatic excellence and service to our country up until this day.

When President Bush nominated my old friend, Howard Baker, to be our next ambassador to our most important Asian ally, he kept the highest standards of this important tradition. That is why I fully expect my colleagues today will concur in supporting this nomination. And while we will all miss the presence in Washington of our dear friend and his wife, another esteemed former colleague, Nancy Kassebaum Baker—who herself established a well-deserved reputation in this Senate as one of our most thoughtful leaders on foreign policy—what we will lose will be more than offset, once again, by the contribution that they will make for our country.

Howard Baker has been a public servant all of his life. It is an honor to serve in the Senate, not least because one serves with such distinguished and admirable colleagues, but I must say I have always considered myself particularly fortunate that my career overlapped in part with the three terms the distinguished Senator from Tennessee served here. I was particularly honored to have worked with him during the time he served as our party's majority leader. And as my colleagues well know, Senator Baker never really retired. He left the Senate and became the chief of staff to former President Reagan, serving that great President in an outstanding manner. While it would take too long to enumerate all of the contributions rendered since then by this exceptional public servant, it serves to note that he most recently was a leader of an important commission that conducted an essential review of our nuclear cooperation programs with Russia. The recommendations of that bipartisan commission were key in the new administration's policy review of this very important component of this important bilateral relationship. Now Howard Baker will go to serve another of America's important bilateral relations, as our Ambassador to Tokyo.

I have been saying for years that the strategic partnership American must nurture in Asia is not with China, but with Japan. President bush clearly recognizes this reality, and he has demonstrated this with his appointments of Japan experts at the State Department, Pentagon and the National Security Council. The President has capped these selections by choosing Howard Baker as our Ambassador. I commend the President on his strategic thinking, and I think the President could not have made a better selection in filling this post.

Howard Baker brings to this position his long experience in the Senate, in the White House and in the corporate sector. All aspects of this experience will be beneficial to his efforts to represent the United States to our Japanese ally. For the Japanese leadership, which has warmly welcomed this nomination, former Senator Baker will bring an appreciation of all of aspects of American society, and a deep respect for Japanese society and culture. The new Japanese leadership of Junichiro Koizumi could not begin its relationship with Washington on a more auspicious note.

I have personally known Howard Baker for nearly a quarter of a century. I know him for his steady, calm presence and for his wise counsel. I know him for his love of country, and for his deep understanding of how the world beyond our borders works. He and his dear wife, former Senator Nancy Kassebaum, will be missed in Washington. But we can rest assured that our country's interests in Japan are superbly represented by this exceptionally dedicated and talented couple. I know that my colleagues concur and join me in wishing Howard Baker Godspeed.

Mr. FEINGOLD. Mr. President, I rise today to add my support to the nomination of Howard H. Baker, Jr., to be the U.S. Ambassador to Japan.

Howard Baker has an outstanding record of serving the people of the United States as an officer in the U.S. Navy, as a Senator, as White House Chief of Staff to President Reagan, and as a member of numerous Presidential Advisory Boards. During the nearly 20 years that he represented Tennessee in the U.S. Senate, he served as both the minority and majority leader, earning the respect of his colleagues and a reputation as a talented, fair leader, and consensus builder. Senator Baker also served on the Foreign Relations Committee and was a Congressional Delegate to the United Nations General Assembly.

The experience and the skill that Senator Baker has developed as a long time public servant will be valuable as he takes on the important role of working to strengthen U.S. relations with Japan. Howard Baker succeeds a long and illustrious line of envoys to Japan including former House Speaker Tom Foley, former Vice President Walter Mondale, Michael Hayden Armacost, and former Majority Leader Mike Mansfield. I am sure that he will represent the United States with honor, in a manner that reflects well upon his predecessors.

I am also especially pleased that the United States will benefit from the wisdom and expertise of Nancy Kassebaum Baker, our former colleague, who will accompany her husband in this important endeavor. I had the pleasure of working with Senator Kassebaum on many issues and know that America is getting a truly excellent team to represent our country in Japan.

Mr. ROCKEFELLER. Mr. President, I would like to state how delighted I am that the President has nominated a statesman of such skill and integrity to serve as our Ambassador in Japan. Senator Baker had just completed three terms when I entered this body, including terms as majority and minority leader. He was well known as a man

of courtesy and thoughtfulness, who managed difficult political battles with grace and good humor. He took those traits with him to the White House, where as Chief of Staff he played a key role in rebuilding public confidence in a presidency that was racked by foreign policy scandal. Throughout his career Senator Baker has often been called into service to help heal the ruptures created by difficult issues like Watergate, the Panama Canal and Iran-Contra; and he has repeatedly played a key role in forging the bipartisan consensus necessary to move our government and our nation forward.

There is no relationship more important for the U.S. than Japan. The vicissitudes of our difficult relationship with an emerging China, or the ongoing frictions on the Korean Peninsula, tend to attract most of the media attention devoted to Asia. But it is in fact Japan that is the indispensable country to the U.S. in Asia. Even after a decade of slow growth, Japan has by far the largest economy in Asia, and is the largest overseas market for U.S. products. Japan is an important investor in the United States, including in my state of West Virginia. Japan hosts the largest number of American troops in Asia, and is an important ally in our efforts to promote peace, prosperity and democracy throughout Asia.

The nomination of Senator Baker as Ambassador to Tokyo—the most recent in a series of senior statesman to serve in that critical post—will send confirmation to our Japanese allies the tremendous importance the United Sates attaches to our partnership with Japan. I know he will work with the new Government of Prime Minister Koizumi to express support for measures that will restart the Japanese economy, and enable Japan to resume its part as one of the locomotives of global growth. I know he will work with Japan to continue to re-invigorate our security alliance, which plays such an important role in maintaining peace in Asia. And I know he, by his very presence in Tokyo, will dispel Japanese perceptions that America is ''Japan-passing.'' Having followed U.S.-Japan relations for the past 40 years, I am confident that U.S. relations with Japan are not moribund but in fact mature.

I commend the President for his excellent selection of a representative for this critical post, and add how pleased I am that his wonderful and talented wife, our former colleague, Senator Nancy Kassebaum, will be in Tokyo with him. I can think of no one better to join him on this mission than my dear and most admired former colleague.

I will vote to support the nomination.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise today also in enthusiastic and strong support for the nomination of Senator Howard Baker to be U.S. Ambassador to the nation of Japan. In fact, Mr. President, I can think of no person who could represent America with more honor and more distinction than my fellow Tennessean, Howard Baker, a truly extraordinary man and an extraordinary leader in this body, in his community, and this Nation.

As we all know, Senator Baker served as the United States Senator from the great State of Tennessee for three terms. He served as minority leader, majority leader, and he served President Ronald Reagan as White House Chief of Staff.

More important than all of that, which we know, he has served America long and well, with unfailing grace, with inexhaustible courage, and with integrity; never hesitating, as we just heard from the majority leader, in taking on the tough tasks, the tough assignments, never failing to shoot straight with us, to call it like it is. Whether it was winning over, in Tennessee, traditional Democrats, union members, to become the first Republican in the history of Tennessee to be elected to the Senate and teaming up with Senators to pass monumental and historic clean air and water bills without a single dissenting vote, or lobbying his colleagues to allow the televising of Senate proceedings, which are routine today, or supporting plans to end the draft, or to provide for the direct election of the President, or give 18-year-olds the right to vote, or investigating a President of his own party, or forging a foreign policy consensus to check Soviet cold war expansion, Howard Baker never flinched from the tough decisions.

He always put principle before politics. He was not just a good Senator; he wasn't just a good leader; but he was a good mentor and friend to me personally.

What is remarkable as we hear people in this body talking about him, is his ability to build coalitions, his ability to disarm his opponents with compromise that addressed both the concerns of supporters and limited the problems of dissenters, bringing them together, addressing concerns from groups who would not normally be together—leaving all sides in good spirits.

I mentioned the personal reflection of being a good mentor and a good friend. Again, this comes from my own experience when 10 years ago I was trying to make a decision of how best to enter public service. I went by to see Senator Baker, someone whom I did not know, someone whom I had not met—sitting down with that person in conversation—and you know it is a conversation he has had with hundreds and hundreds of people thinking about public service—sitting down for an hour and listening to what not only a campaign would be like but what the privilege of serving the United States of America in this body was all about.

Over the next year and a half I made three more appointments with him and took my wife Karen to listen to him, to talk to him. Indeed, he seemed to listen more to us than we did to him, in the thoughtful way of introspection and then comment. Yes, ultimately, after those conversations I decided, in large part based on those conversations, to run for the Senate.

At the height of his political power, Howard Baker stunned Washington by making a decision to leave the Senate, following his own advice of term limits, of the citizen legislator, only to be called back by President Reagan who tapped him as the White House Chief of Staff. He served President Reagan well.

The majority leader, a few minutes ago, mentioned that that legacy lives on. It was 2 years ago that he did come and give the lecture series—we will hear President Ford later tonight—and the title of that talk 2 years ago was ''On Herding Cats,'' talking about his experience in this body, each of the little points of the ''Bakers Dozen,'' of the 13 points I remember, as I listened in awe, as I listened in pride to my fellow Tennessean.

''Listen more often than you speak,'' was one of the 13;

''Be patient,'' another;

''Tell the truth, whether you have to or not,'' was another;

''Be civil, and encourage others to do the same.''

So his story continues to unfold. Tonight, as we come together both to praise him and to support his nomination, we recognize that he remains an informal and trusted adviser, a model to which all politicians in Tennessee aspire, a friend to freedom, to democracy, a defender of principle, a man of honesty, integrity, and courage, who will represent America well.

His wife Nancy Kassebaum Baker has been mentioned, a friend to all of us. Together they make an experienced team, a knowledgeable team; together, a tremendous asset to the United States of America.

It is, indeed, with honor and pleasure, and I should say pride as a Tennessean, that I close in my support for Howard H. Baker, Jr., for the post of U.S. Ambassador to Japan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I rise in support of the nomination of Howard Baker for Ambassador to Japan. I, first of all, compliment my colleague, Senator FRIST, for his eloquent remarks which encapsulated Senator Baker's career and his character. It is very gratifying to hear so many favorable remarks about someone whom we hold so dear.

This was the case this morning as we had the hearing on Senator Baker. We heard so many from both sides of the aisle—Senator BIDEN, Senator BYRD—say so many nice things about the Senator. It is a very personal matter to me in many respects.

Many years ago, I, with shaky hand, dialed a telephone number in order to

return a call from Senator Howard Baker. He had asked me to come up as counsel to the Watergate committee when he served as minority leader of that committee. Today that is the telephone number of my office because I have the privilege of occupying the chair. As I said earlier today, no one will be able to fill the shoes of Howard Baker, but I am privileged to occupy what we call the Howard Baker seat. I am sure others who have held that seat would not begrudge me referring to it in that way.

I would probably not be in politics were it not for Howard Baker. I left a job I dearly loved as assistant U.S. attorney many years ago, as a young lawyer, to go and manage middle Tennessee for Howard Baker, as if anyone could manage him, or as if he needed managing.

A young lawyer by the name of Lamar Alexander, later to be Governor of Tennessee, came to me and suggested this to me and suggested it to him and put us together. I asked how much the job paid and they said nothing. So with my usual business sense, I said that sounded good to me. I took on the job. Of course, he was the first popularly elected Republican in the history of Tennessee.

During Watergate, I had an opportunity that I know no other young man or young lawyer has ever had; that is, to sit at the right hand, literally and figuratively, of a man such as Howard Baker during the most tumultuous time in our generation and in American history. I saw him and the difficulties he encountered. We were dealing with a President of the United States who was a friend of Senator Baker. We were dealing with members of the Cabinet such as John Mitchell, who were friends of Senator Baker. I saw the agony that he went through as he tried to be fair. But he also tried to be steadfast to the Constitution of the United States. He walked that line and he showed the ethical and moral dimensions of his character.

He gave an example not only to this young lawyer at the time but to all of America of what it meant to be a statesman. In fact, I think the word ''statesman'' was coined for individuals such as Howard Baker because he demonstrated to all of us that it matters not only what you do but how you do it.

It is a great pleasure to see how revered he is by those who served with him, not the least of which, of course, is Senator BYRD of West Virginia, who served as the majority leader when Senator Baker served as minority leader. I heard them talk earlier today. I am looking forward to hearing Senator BYRD again on the floor, but I sat there and thought what two strong men, what two great men, oftentimes disagreeing but working together for the benefit of their country, what an example they set for us doing their job with mutual respect and only one thing in their minds—ultimately, serving their States and their country.

Senator Baker said earlier today that essentially, after all is said and done, he is a man of the Senate. Of course, the same could be said of Senator BYRD.

I compliment President Bush for making this appointment. Senator Baker—I assume; I have never really talked to him about it—was not an intimate of the Bush campaign, although I know he was a hard worker for it. I assume, looking back on it, that former President Bush and he were somewhat friendly competitors, as they were coming along about the same time. President Bush, the current President, obviously, has the good judgment to reach out and get the best for this most serious appointment.

This is a troubled part of the world. It is probably going to create more trouble for us in the years to come. We have a very unusual, ambiguous relationship with the country of China right now, as in many respects China is progressing in terms of its economy and in terms of its economic openness, while at the same time it is increasing its military might and has 300 missiles along its coast pointed toward Taiwan. It, clearly, has designs on being the predominant player in that part of the world, whether it be Taiwan or the South China Sea islands or various other parts of that area of the world.

It is extremely important that we maintain the best of relations with our friends and our allies in that area. There is none more important than the country of Japan.

Japan is undergoing its own internal changes that at this point we are attempting, while not being an overbearing friend, to be a helpful friend, whether it be with regard to reform of their banking system or the other aspects of their economy, and to go through those tough changes, that we and other countries have had to go through, to get to where they need to get. It is a very delicate time. They are undergoing a change in their leadership right now.

For all of these reasons, it is going to take a wise person, a steady hand representing us in that part of the world. Thank goodness we have a man such as Howard Baker to take on that job.

We make it very difficult nowadays for people to come in and serve their country. Our nomination process takes too long. It is too intrusive. The rewards oftentimes do not outweigh the benefits. But, thank God, we still have people such as Howard Baker and so many others who are willing to give a portion of their time to serve their country.

I am totally content that Senator Baker is going to serve as another in a long line of illustrious predecessors who have held this job and made America proud. America and the world will be better because he has served.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the Senate will soon vote on the nomination of former Senator Howard Baker to be the next U.S. Ambassador to Japan. This will be a vote I will long remember and of which I will long be proud. It will be one of those proud moments in the history of the Senate.

I have voted on many nominations, and I have cast 16,027 votes as of now. This will be one of the best votes I have ever cast. I have no doubt that this former colleague, with whom I worked so closely, will be an excellent representative of the United States to the Japanese Government and the Japanese people.

Senator Howard Baker served his home State of Tennessee in this Chamber for three terms, from 1967 to 1985. As the country began to recover from the scandal of Watergate, Howard Baker was chosen to lead the other side of the aisle as minority leader while I served as majority leader, positions that we would later exchange. Senator Baker distinguished himself as a man of strong character, sound judgment, and good humor. Having followed his father, with whom I served in the House of Representatives, his stepmother, and his father-in-law in Congress—again, speaking of his father-in-law, I can see Everett Dirksen standing in his place. I can see his unruly hair. I can see him gesturing and uttering the most beautiful phrases. He could paint word pictures, Everett Dirksen—

Senator Baker comes with great credentials in many ways. He had a deep and abiding understanding of and respect for the legislative branch. There was no doubt in Howard Baker's mind as to where the legislative branch stood. He knew of the Constitution. He knew about the separation of powers and the checks and balances. He was one who would always uphold those principles. His love for the Senate, his love for his country always came before partisan imperatives.

Senator Baker was often a voice of reason in challenging times. As the ranking Republican on the select committee that investigated the Watergate affair, his stated intent for the hearings was to determine the answer to the memorable question, as he put it: What did the President know and when did he know it?

I think everyone in this country has heard those words and probably most of us will remember having heard them.

Senator Baker and I joined together on a number of major initiatives that were important to the country as well as to the Senate. I can remember the Panama Canal treaties. I was majority leader. I was against the treaties to begin with. Howard Baker was against the treaties. I went to Panama and took with me six other Senators: Senator SARBANES, Senator Metzenbaum, Senator Matsunaga, Senator Riegle. There were seven, I believe.

We went to Panama. We talked to Americans living there. We talked to our military people. We talked with our State Department people. We

talked with the representatives of the Government of Panama, including General Torrijos. I read all about the history of the Panama Canal by David McCullough, ''The Path Between the Seas.'' It is fascinating. Anything David McCullough writes is fascinating. I changed my mind about it.

Both Howard Baker and I knew we were swimming uphill, so to speak. The polls showed that the great majority of the American people were against those treaties. There were two of them. They were against those treaties. A majority of the Members of the Senate were against the treaties. So we had an uphill battle. We both came to the conclusion that it was in the best interest of the United States to ratify those treaties. It was a difficult task.

I can remember coming in here on a Sunday and meeting with the Panamanian Ambassador to the United States and with our own State Department people right down the hall to my right here, in room 207, which was and is named the Mansfield Room. I remember our meeting; and then in the room there, which was formerly the room of the Presidents pro tempore of the Senate, we met to hammer out some differences.

Howard Baker and I formulated two amendments to the treaty, and but for those two amendments—which we called the leadership amendments because the two leaders were joining—but for the leadership amendments, the treaties would not have been approved.

What I am saying is this. Here was a man who stood above party and voted for what he thought was in the best interests of the country, realizing that in the next election he would pay a price for that. I am still paying a price in West Virginia. There are still those who remember my votes for the treaties and continue to write to me about them to remind me. But he was in a far more difficult position than I. The Democrats controlled the Senate. We had at that time a Democratic President, President Jimmy Carter. So it was more difficult for Howard Baker.

But notwithstanding the difficulties, notwithstanding the politics of the matter, which were adverse to the position we took, Howard Baker proudly took that position, stating it clearly, articulately, and effectively; and because he joined in approving the treaties, we were successful. We ended up, on both treaties, getting a vote of two-thirds of the Senate plus one vote. We had one vote to spare. So we joined together on that occasion. I can't forget that.

I have said many times—and I said it this morning in the Foreign Relations Committee hearing on the nomination—that there are several medallions in the Senate reception room just off the floor here, and in five of those medallions we find the pictures of Webster, Calhoun, Clay, La Follette, and Taft of Ohio. I have stated one day this Senate will determine the names of other Senators whose pictures and names will go in those remaining medallions. The Senate has already made a decision, I believe, with regard to the next medallion or so.

But at some point in time Howard Baker's picture—it is my hope—will appear in those medallions. So today, for the RECORD—although I won't be here, I am sure, when that decision is made—I nominate Howard Baker because he was a Senator who stood above the fog in public duty and in private thinking and took a hard position. It was hard for him and hard for his party, more so than mine. He provided invaluable support in that instance, as I say. And he also joined me in my effort to bring television coverage to the floor of the Senate.

In later years, he served well. You see, he served as minority leader first with me when I was majority leader, and then I served as minority leader while he was majority leader. Always, I found Howard Baker to be a very agreeable, down-home, homespun person, a person who had great common sense, which is so often absent in the halls of Government—common sense, and a man of good humor, very intelligent, exceedingly knowledgeable, highly articulate, a man of the people.

He served as President Reagan's Chief of Staff at a time when mature counsel and moderate leadership in the White House were needed.

In a 1998 address to the Members of this body, Senator Baker recalled the lessons that helped him as majority leader from 1981 to 1985. This is what he said:

> What really makes the Senate work—as our heroes knew profoundly—is an understanding of human nature, an appreciation of hearts as well as minds, the frailties as well as the strengths, of one's colleagues and one's constituents.

That is bringing it right down to the common understanding, bringing it right down to earth. I suggest that this lesson will continue to serve him well in his role as Ambassador to Japan.

Over the years, the United States has sent some of its finest citizens to Japan to act as the President's representative, most recently Tom Foley, former Speaker of the House of Representatives; and prior to him there was Walter Mondale, former Vice President of the United States, and Mike Mansfield, former majority leader of the Senate. The appointment of Senator Baker to this position will again demonstrate the importance of our relationship with Japan, the most prosperous country in Asia, and, more importantly, allow our Government to regain the services of a very talented individual who has spent more than half of his life in the service of this country.

As Senator THOMPSON mentioned a little while ago, Nancy Kassebaum, a former Senator, will be there likewise. Howard Baker and his wife Nancy will be a great team. She could well serve as U.S. Ambassador to Japan in her own right.

Japan will be a vital partner to the United States in what many are calling ''the Pacific century.'' Senator Baker will represent our country in a nation of great importance, in a region of great change, in a world in transition. I am confident that he will work to the best of his considerable abilities to ensure a prosperous, peaceful, and productive relationship with Japan.

I don't know of anyone, Democrat or Republican, I would be happier to stand on this floor and recommend to the people of the United States as Ambassador of Japan, or anyone who could serve more ably, or one who would be more effective. There isn't anyone who would be more patriotic and dedicated to the service of his country than Howard Baker.

I came to the floor immediately after the hearing and urged the majority leader to bring this nomination up today. There is no point in waiting. Bring it up today. I asked my own leader on this side of the aisle if we could do this nomination today. Of course, they had already made up their minds to do it today.

I have looked forward to this moment. I am proud of my service with Howard Baker. I am proud of Howard Baker because he typifies to me a true Senator, a Senator who understands the importance of party, political party, but a Senator who puts the Senate and the Constitution and his country above political party. I know because I was here when he did it.

As my former colleague prepares to journey to Tokyo following his confirmation, Erma and I will be wishing him and Nancy, his lovely wife, the best and a very successful tenure in that office.

Mr. President, I close by those words first written by Horace Greeley because they typify what I think is best about Howard Baker and basically what is most needed by every statesman who serves in government, whether at the national or local level, and basically what distinguishes one individual from another perhaps:

> Fame is a vapor, popularity an accident, riches take wing. Only one thing endures, and that is character.

This man has it. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from West Virginia on a characteristically extraordinary statement. He speaks for all of us. He spoke eloquently, sincerely, and truthfully.

Senator Mike Mansfield once called America's relationship with Japan our most important bilateral relationship. How right he was.

Combined, our two countries account for more than 40 percent of the world's gross domestic product. When our nations work together, we can make and have made Asia more stable, Japan stronger, and America more secure.

Today, during this time of transition in Asia, our alliance with Japan is

more important than ever. I can think of no individual better equipped than Senator Howard Baker to ensure that our two countries continue to work together and succeed together.

As our distinguished Senator from West Virginia noted, Senator Baker served not only as the Republican leader, as the minority leader of the party, but also as the majority leader at a time when America faced challenges at home and the monumental challenge of the cold war. He worked with his colleagues in the Senate without regard to party affiliation to lead us through countless legislative challenges, and he proved to be a statesman without equal.

By confirming Senator Baker's nomination, we are sending Japan more than an outstanding Ambassador. We are sending a message that we believe Senator Mansfield's observation is truer today than it has ever been. The alliance between our two great nations is so important that it demands an Ambassador of the caliber of Senator Howard Baker, and I am certain that Japan will recognize, by receiving Senator Baker and Senator Nancy Kassebaum, that America is clearly sending its very best.

I join with my colleagues this afternoon in expressing heartfelt congratulations to Howard and Nancy, to express a sentiment I know is shared by every Member of this body in our pride and admiration for them and in our hope that they continue to enjoy public service and our thanks for serving their country so well. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in strong support of the nomination of Howard Baker to be U.S. Ambassador to Japan. I must say, and I am merely here speaking to the Japanese, I think this nomination is yet again a clear indication of the importance the United States attaches to the relationship with Japan.

For now what will be a quarter of a century, we have sent Senator Mike Mansfield, Speaker Tom Foley, and now Senator Howard Baker as our representatives to the Japanese Government and to the Japanese people. I hope it is fully appreciated in Japan—and I think it is—exactly what this means in terms of how highly we value this relationship, how important we think it is to the course of events internationally and, of course, how much it reflects the very strong conviction on the part of all of us here that Howard Baker and his wife Nancy will do an outstanding job representing us.

I have taken the floor of the Senate on occasion to oppose ambassadorial nominations, particularly non-career ambassadorial nominations. I do not take the position that all Ambassadors should come out of the career service because I think we can draw from outside of the career service to bring people who can make a real contribution—and there is something of a tradition of that in our country—although I think it is very important that the large majority of the positions go to career people in part to help maintain the morale of the Foreign Service, so someone going into the Foreign Service at a young age and committing a career to the Foreign Service, who has an opportunity to rise and become an Ambassador, is not cut off as they move up the ladder because the Ambassadors are all brought in from outside. That would have a very harmful impact on the morale of the Foreign Service, and I think having a Foreign Service with high morale is a very important thing in contributing to America's interests and objectives around the world.

If someone were to come to me and say, ''You have admitted you would accept non-career people; you do not have an absolutely rigid position on that; what kind of people is it you are looking for in terms of non-career people to become Ambassadors,'' I would start right off by saying I would be looking for someone like Howard Baker. This can be the mold, in a sense, of what we are looking for from outside the career foreign service.

We have all known Howard well in the Senate. We hold him in enormous respect. He is a man of great wisdom and judgment, of never-failing courtesy. All here who have dealt with him always sensed the respect he extended to others which, of course, evoked a respect from others back towards him. We need to remember that lesson around here sometimes.

Over the years we saw him exercise power with a sensitivity and a responsibility that is a real tribute to him as a leader. We have a lot of difficult issues that arise from time to time with Japan.

We ought not let those issues cause us to lose sight of how important having a strong positive relationship is with that country. I am sure Howard Baker, as his predecessors, Tom Foley and Mike Mansfield, have done, will be able to communicate that to the Japanese people and communicate back to Members of the Congress the situation that exists.

One of the things that both Ambassador Mansfield and Ambassador Foley did was maintain contacts with Members of Congress. Having come out of the institution, they appreciated the role it plays in these relationships. I think that is one of the strengths that Howard Baker will bring to this ambassadorship. Second, he served in the White House as chief of staff, so he knows the workings of the executive branch. He can bring that expertise also to bear as he assumes this very important responsibility.

I think Nancy Baker will be an extremely important dimension to this ambassadorship. I know at one point there was talk of a co-ambassadorship. I don't quite see how you do that, given the direct responsibilities on an Ambassador, but I am sure she will add a very significant and extra dimension to this representation that our country will have in Japan.

I am pleased to take the floor, along with my other colleagues, in support of this nomination. I thank the distinguished Senator from West Virginia for his very eloquent statement about Howard Baker, about their relationship in the Senate, and about his character.

This is a man of character. This is a man of wisdom. This is a man of judgment. This is a man of civility. I am delighted he will be our Ambassador to Japan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to support the nomination as well of Senator Howard Baker to be Ambassador to Japan, and of Nancy Kassebaum, a good friend of mine, a former Senator from Kansas, to go along, as well.

Senator Baker I have gotten to know better. I have not served in this body with him.

I have known Nancy Kassebaum very well over the years, her political history in Kansas. Her family has great leadership in my State. Her dad, Alf Landon, was a Presidential nominee, and in 1936 was Governor of Kansas. Senator Kassebaum followed in his footsteps as a very able, qualified, wholesome, and dignified public servant. She did an excellent job. She will do an excellent job in Japan, as well.

Senator Howard Baker I have gotten to know later in life. Sometimes he has come to Kansas State University football games. A great fan—and he picks a great team to support. When we play Tennessee, I understand they have a family dispute between Kansas and Tennessee and he stays with Tennessee, while Senator Kassebaum stays with Kansas State University.

This is an important nomination for reasons already noted, but I will reiterate; that is, the significance of the stature of the Ambassador we are sending to represent us in Japan. Japan is a key ally of the United States. Japan is in a region that will draw increasing focus from the United States in the future and has in recent times even more so. So we are sending to Japan a man of stature from our Nation to represent us in a part of the world on which we will increasingly focus.

We have had difficulties recently in Asia, particularly in our relationship with China. We are expanding our relationship with other nations throughout Asia. We are expanding our relationship with India and South Asia. This entire region of the world is growing in significance globally and growing in significance to the United States.

It is important we send this level of leadership to this region in the form of Senator Baker, for him to be able to represent our interests and our thoughts at this time of expanded U.S. activity and engagement throughout that area.

I wholeheartedly endorse his nomination as a member of the Committee on Foreign Relations. I am delighted the United States will have this individual involved in its foreign affairs. He will make an outstanding representative, an outstanding Ambassador. Nancy Kassebaum will be a co-Ambassador. I think she will be dearly loved by the Japanese people, the same way she was loved by the people of Kansas. While she served in the Senate, there was no politician in the country who had a higher approval rating on a statewide basis than Nancy Kassebaum. There are some who say she ranked just below the sunset and the wheat harvest in her approval ratings in our State. She had a lofty stature, and she will carry that along with her to Japan. This is a great nomination that I wholeheartedly support.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Carolina.

Mr. HELMS. I ask it be in order for me to deliver my brief remarks seated at my desk.

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

Mr. HELMS. Mr. President, I made some remarks this morning at the time of the reporting out of the Committee on Foreign Relations the very wise nomination of Howard Baker to be the U.S. Ambassador to Tokyo. I said then, and I repeat, there is not one Senator who ever served with the distinguished former majority leader of this Senate—and I see where he sat right there—not one Senator who would not be honored to join in paying his or her respects to one of the most respected Senators ever to serve in the Senate.

All of us have fond memories of our relationship with Senator Baker, and all of us like him and respect him and admire him for his intelligence and his legislative skills and his ability to broker meaningful compromises and for being just a darn nice guy.

I must confess, my affection for Howard is because he has been so gracious to my grandchildren, and that is the way to any man's heart. I recall that on one occasion, the day after one of my granddaughters was born, Howard was going to North Carolina with me for a little adventure. He called me before we left and he said: JESSE, who is going to meet us at the airport?

I said: I don't know, but I will find out.

He said: I just wondered if I could take a trip.

I said: You can go anywhere you want to go.

He said: I would like to go to the hospital where that young one of yours was born yesterday.

I said: Howard, you don't need do that.

And he said: No, I like grandchildren, and I would like to go, if you don't mind.

I said: Fine.

He said: As long as I'm going, can I take my camera with me?

A lot of people don't know that he is an accomplished photographer and has published two or three books of pictures that are outstanding. He took pictures of that young one just born 24 hours earlier, and her mama and proud daddy and granddaddy and all the nurses in the hospital.

Fast forward about 4 or 5 years and Katie Stuart visited us and Howard found out about it. He was then the chief of staff for the President of the United States at the White House, President Ronald Reagan. He called me up and said: We need to update that picture that we took at the hospital. So we went down to the White House and he had all the lights set up and he said: Now, JESSE, I want you to get Katie in your arms and I want to photograph the proudest granddaddy and the sweetest granddaughter I ever saw. And he took that picture. That picture is on my wall to this good day.

Howard Baker will make a great Ambassador. On his own hook he would be great, but he has a second advantage, and that is a lady named Nancy Kassebaum Baker, who sat right back there, as a great Senator herself. And as someone said this morning, Nancy herself would make a good Ambassador anywhere she was sent.

I could go on and on, but suffice it to say that Howard Baker's experience and personal qualities and those of Nancy Kassebaum Baker will serve him and her and them well. The United States relationship with Japan is critical in this new era. In sending an Ambassador such as Howard Baker, President Bush has chosen a superbly qualified American to represent the American people in Japan, an outstanding ally of our country, the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise in support of Howard Baker. I realize this is unusual; the chairman of the committee should be the one to close. I apologize. I didn't know you were speaking. I think I am the last to speak and I will be brief.

Howard Baker is one of the few men or women nominated for Ambassador that it would be warranted not to be briefed about because there is so much to say about Howard Baker. The distinguished senior Senator from Hawaii, standing in the well, knows him as well as I do—and maybe a little better. I have been here 28 years. He was as fine a leader of the Senate as we had in either party. He is a man who, as I said this morning, possessed not only good judgment but a strong dose of wisdom.

Howard Baker has a piece of the country lawyer in him, the country lawyer who knows how to cut through difficult circumstances in a way that resolves a situation and at the same time does no harm or damage to either the egos and/or positions of either of the parties. That is the mark of a leader. It seems to me that is the primary ingredient that an Ambassador should possess.

The appointment of Howard Baker to be Ambassador to Japan is the single strongest signal that the people of Japan could have that we value this relationship with Japan.

Senator HELMS and I have been here the same length of time, Senator INOUYE longer, but I doubt whether there is any country to which we have sent more distinguished men and women—men in this case—than to Japan. He goes in the tradition of some truly great Americans. That sounds like a trite thing to say, ''great Americans,'' but Mike Mansfield, ''iron Mike,'' from Montana had more integrity in his little finger than most have in their whole body, a man whom everyone admired, a distinguished Speaker of the House of Representatives, Tom Foley, a distinguished colleague of ours, and on the opposite side of my friend from North Carolina, but respected, Fritz Mondale, a man who graced this place—and I mean that literally, graced this body—and Howard Baker. And I am leaving out others of consequence as well.

Let me say it is not hyperbole to suggest, as I did this morning, and the Senator referenced it, that Senator Nancy Kassebaum, all by herself, would be fully capable of dispatching the responsibilities of the Ambassador to Japan. Really, as we always say, the Senator from North Carolina and I, because of our responsibilities on the Foreign Relations Committee and confirming all Ambassadors—we always say the spouse of the nominee is someone who makes a sacrifice as well as who makes a contribution. It is almost always true, in some cases more than others.

This is a combination of political leadership, diplomacy, knowledge, and access—access to the corridors of power in the White House—that I think is unparalleled.

I join with my colleagues in saying that Howard Baker is a fine choice. More than that, he is a truly fine man.

As I said this morning, he and I have been on opposite sides of things—more together than on opposite sides—but I truly consider him a friend. It is presumptuous of me to say of a man of his stature that I am a friend. He was a man of consequence long before I arrived. I don't mean to be presumptuous in saying we are close friends. We are different in generations and different in age. But we are friends. I admire him. I admire him very much, and I compliment the President.

I will close with what I have always thought to be and I believe to be an old Anglo-Saxon expression. It says: Character is little more than the lengthened shadow of a man.

Howard Baker casts a very long shadow. He has great character. He will serve this Nation well at what I believe to be the single most critical time in U.S.-Japanese and U.S.-Asian affairs since the end of World War II. Words

matter; Howard Baker chooses his well, and I know of no place more than Japan where words, decorum, and diplomacy matter more.

No better choice could be made. I compliment the President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Let me commend President Bush on his appointment of former Senator Howard Baker as the Ambassador to Japan. I guess, since we came to the Senate together, I know him about as well as any. I have traveled with him. I have seen him in action on trips. I have his photography in my home. I visited in his home at Huntsville, TN, with his former wife Joy and, since he lost Joy, he is now married to our great friend and distinguished former Senator from Kansas, Nancy Kassebaum.

They are a wonderful family, Nancy's son, daughter-in-law, the grandchildren. They are right down there in my hometown of Charleston, so I get to see them fortunately from time to time.

There is an old wag about coming to the Senate. You wonder how in the world, when you first get here, you got into this exclusive body. Then after a couple of years, you lose all humility and you wonder how the rest of them got here.

You observe them. Everyone here has a talent, all of high intellect and experience or they would not have been selected by their several States.

But what I really look for is that judgment. There is no question, more than a balanced budget we need balanced Senators around here, and that was Howard Baker. When I ran for President, I know no one remembers that——

Mr. BIDEN. I do.

Mr. HOLLINGS. You and I were out there together—to be forgotten.

We were asked that question, when you get along to a stage in your campaign, who would you select as Secretary of State? This is back in the early 1980s. And I said Howard Baker because of his sense of history, his capacity for reasoned judgment, and his intellect. He knows the world. He knows Japan. He knows our defense needs, our security needs in the Pacific rim, our trade problems and opportunities there and everything else.

Since others are here and ready and I take it we are ready to vote, let me simply say I am enthused about this particular appointment. I think the country is very fortunate to have him as our Ambassador.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, on behalf of the majority leader, I yield the remainder of the time.

I ask for the yeas and nays.

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

Mr. NELSON of Florida. Will the chairman allow me to say one short thing?

Mr. HELMS. I defer the question.

Mr. NELSON of Florida. I just wanted to say as a member of the Foreign Relations Committee, to the chairman and my ranking member, as a new Member, I was quite struck today at the testimony taken with regard to Senator Baker.

First of all, I saw the deep respect that Senator BIDEN and Senator HELMS had for him. And then I heard the testimony from Senator Dole as well, and Senator BYRD.

What struck me was Senator BIDEN's words, when he referred to Senator Baker as a man of the Senate. Before I came here, I would not have known the depth of feeling in that statement. But as I have had the privilege of getting to know all of you, and to interact with you on a daily basis, I now understand the respect that you accorded to Senator Baker by referring to him as a man of the Senate: Someone whose word can be counted on; someone who has principles; someone whose sense of integrity other people recognize. Isn't that what we need in our Government these days?

So it is with a feeling of great privilege that, as a new Senator, I join with all of you supporting Senator Baker to be our Ambassador to this very important country, to further the interests of the United States of America.

Mr. HELMS. Mr. President, I renew my request.

The PRESIDING OFFICER. All time having expired, the question is, Will the Senate advise and consent to the nomination of Howard H. Baker, Jr., of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan?

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

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

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

[Rollcall Vote No. 166 Ex.]

YEAS—99

Akaka	Daschle	Kennedy
Allard	Dayton	Kerry
Allen	DeWine	Kohl
Baucus	Dodd	Kyl
Bayh	Domenici	Landrieu
Bennett	Dorgan	Leahy
Biden	Durbin	Levin
Bingaman	Edwards	Lieberman
Bond	Enzi	Lincoln
Boxer	Feingold	Lott
Breaux	Feinstein	Lugar
Brownback	Fitzgerald	McCain
Bunning	Frist	McConnell
Burns	Graham	Mikulski
Byrd	Gramm	Miller
Campbell	Grassley	Murkowski
Cantwell	Gregg	Murray
Carnahan	Hagel	Nelson (FL)
Carper	Harkin	Nelson (NE)
Chafee	Hatch	Nickles
Cleland	Helms	Reed
Clinton	Hollings	Reid
Cochran	Hutchinson	Roberts
Collins	Hutchison	Rockefeller
Conrad	Inhofe	Santorum
Corzine	Inouye	Sarbanes
Craig	Jeffords	Schumer
Crapo	Johnson	Sessions
Shelby	Stabenow	Torricelli
Smith (NH)	Stevens	Voinovich
Smith (OR)	Thomas	Warner
Snowe	Thompson	Wellstone
Specter	Thurmond	Wyden

NOT VOTING—1

Ensign

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR THURSDAY, MAY 24, 2001

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, May 24. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators speaking therein for up to 5 minutes each, with the following exceptions: Senator THOMAS, or his designee, from 10 a.m. to 10:45 a.m., and Senator DURBIN, or his designee, from 10:45 to 11:30 a.m.

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

PROGRAM

Mr. SANTORUM. Mr. President, for the information of all Senators, the Senate will be in a period of morning business beginning at 10 a.m. tomorrow. Senators should be aware that votes may occur during tomorrow afternoon's session and throughout the remainder of the week. The Senate may consider the conference report to accompany the reconciliation bill and any executive or legislative items available for action prior to the Memorial Day recess.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SANTORUM. Mr. President, 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 5:57 p.m., adjourned until Thursday, May 24, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2001:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RONALD ROSENFELD, OF MARYLAND, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, VICE KEVIN G. CHAVERS, RESIGNED.

DEPARTMENT OF THE INTERIOR

WILLIAM GERRY MYERS III, OF IDAHO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE JOHN D. LESHY, RESIGNED.

DEPARTMENT OF STATE

ROBERT D. BLACKWILL, OF KANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

ANTHONY HORACE GIOIA, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

DEPARTMENT OF JUSTICE

J. ROBERT FLORES, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, VICE SHELDON C. BILCHIK.

THE JUDICIARY

WILLIAM J. RILEY, OF NEBRASKA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE CLARENCE A. BEAM, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate May 23, 2001:

DEPARTMENT OF STATE

HOWARD H. BAKER, JR., OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

EXTENSIONS OF REMARKS

TRIBUTE TO ROUNDSTONE ELEMENTARY SCHOOL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. ROGERS of Kentucky. Mr. Speaker, today I rise to recognize, and offer my congratulations to, Roundstone Elementary School of Mt. Vernon, Kentucky. This year Roundstone Elementary was one of four Kentucky public schools to be recognized by the Department of Education and the National Association of State Title I Directors as a Title I Distinguished School. I was exceedingly glad to learn of this award, and would like to take this time to recognize all the students, teachers, parents, and administrators of Roundstone Elementary for this outstanding achievement.

Title I is the largest federal education program and was established to provide funding for low-income schools. But funding alone does not ensure success at any level. It is how you use the funds that count. As one Roundstone teacher said, ''Some people have the misconception that schools with students from low-income families or high-poverty areas will not achieve, but we never think of those factors. We just love students, have high expectations for them, and focus on giving them the best education possible.'' This year recipients are being recognized for their effective use of Title I funds by providing students with quality instruction, for achieving academic progress, and meeting high standards.

At Roundstone, a small elementary school in rural southeastern Kentucky, the students are achieving results and exceeding expectations. This is a result not only of the student's hard work, but the dedication of their teachers. They realized that the first step toward success was creating an environment in which all students, no matter their ability, can effectively learn. Second, they have designed a curriculum in which students are encouraged to learn and think critically, to delve into science and mathematical problems, and to write creatively. Lastly, the parents of the students are involved throughout the process. It is critically important that parents have proper consultation on their children's curriculum, and the parents at Roundstone have been integral to the program's success.

It is clear that education has become one of the most important issues to concerned citizens of this nation. Parents, teachers, and public policy makers at the state and national levels know that the wisest investment we as a nation can make is ensuring that our children are given an education to meet the challenges ahead. I, too, share this concern, as do all members of this body. It is a challenge from which we must not shy away.

Again, I want to say congratulations to the students, teachers, and parents of Roundstone Elementary on being recognized as a Title I Distinguished School. In a time when we talk about results and accountability, Roundstone has proven to be a model for other public schools across this nation. We should all be proud of their accomplishments, and I wish them every success in the coming years.

HONORING KATHY FARLEY ON HER RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the career of one of Southern Colorado's leading citizens. Kathy Farley resigned from her position as executive director of the Southern Colorado Family Foundation so she can spend more time with her grandchildren and family. The work that Kathy has done over the years helping the community has earned her the thanks of Congress.

A Colorado native, Kathy graduated from Denver East High School in 1955. She received a Bachelors of Art in history and education from the University of Colorado at Boulder in 1959. Through out her career, Kathy served on many boards including serving as a Pueblo County Commissioner from 1991–1995. She is also a member and past president of the Pueblo Conservancy District as well as the vice-president of the State Board of Parks and Recreation.

Kathy is also the co-founder and trustee of distinction of the Sangre de Cristo Arts Center. In 1990, Kathy was named the Business Women's Network Women of the Year and in 1985 she was given the Outstanding Woman Award by the Pueblo Girls Club.

Kathy and her husband are original donors to the Southern Colorado Family Foundation. The foundation was created for the purpose of helping the citizens of the region create enduring, yet flexible charitable contributions that enhance the quality of life in their communities. ''I am proud to have served as the foundation's first executive director. . .We have a stable foundation. The future is secure.'' Under Kathy's leadership, the foundation raised $825,000 in cash and pledges and will most likely reach its goal of $1 million by midyear. ''We have worked hard to achieve goals and to support the causes the community believes in.''

Mr. Speaker, Kathy Farley deserves the thanks and praise of Congress for her work both in and for the community. I would like to wish Kathy good luck during her well-deserved retirement.

You have earned it Kathy!

IN HONOR OF PAT COLLINS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the late John Patrick Collins, best known simply as Pat. A prolific businessman with an insatiable appetite for public service and an insurmountable sense of humility, Pat Collins was an individual who touched the lives of many and made a true difference in his community.

Pat entered the automotive sales industry in the early sixties, and became the general manager of a dealership before the age of 30. His ambitions knew no horizons. He eventually bought, helped turn around, and prospered from a failing dealership in northern Virginia. With those profits, he was often found working behind the scenes, donating resources to several organizations, often anonymously, to causes which he felt were important.

Pat's early life was impacted by living in a large, close-knit family of nine children where everyone looked out for one another, especially his brother Brian who was born with Down Syndrome. From this life experience, Pat became an outspoken advocate of the mentally impaired and fought to assure their equal rights. When it was discovered that a local facility was neglecting patient care, Pat devoted his time and energy to help bring about changes to remedy conditions for current and future patients. He was constantly speaking out for those who could not speak out for themselves.

Those who knew Pat best will always remember him as an incredibly bright man whose intellect was surpassed only by his generosity. Pat's departure leaves a significant void in the community where he was well known for his uncanny ability to cut directly to the heart of a matter and craft a commonsense solution. Pat Collins played an important role in the lives of many individuals who relied greatly on his counsel, advice, and mentoring to assist in running businesses, operating community projects, or putting together deals and programs to improve a community. As a philanthropist, Pat generously gave to several organizations, including Gonzaga College High School, St. Mary's Ryken High School, Calvert Hospice, and the Calvert County Chapter of the American Cancer Society.

Pat Collins is survived by his wife Ann; three children, John R., Daniel E. Collins, and Mary Mulford, all of St. Leonard; two sisters, Margaret Mary O'Brien of Rockville and Sheila Cotter of Annapolis; three brothers, Paul of Ocean City, Edward of Silver Spring, and Terence of Arnold; and three granddaughters.

Mr. Speaker, I was always impressed by Pat's energy and ability to get things done during his lifetime. He will be missed by many. Fortunately for us, his contributions of his time, energy, and money will benefit the entire

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

southern Maryland community for decades to come. Pat Collins was a giant who was successful in life, but who never forgot his roots and always gave back to his community. I ask my colleagues to join me in honoring this great American who leaves behind a loving family and many admirers who will miss him greatly.

INTRODUCTION OF THE ''MERIT SYSTEM PROTECTION BOARD ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 2001''

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GEKAS. Mr. Speaker, today I have introduced the ''Merit Systems Protection Board Administrative Dispute Resolution Act of 2001.'' Support for ADR enjoys a rare consensus among those knowledgeable with formal litigation and administrative dispute processes. Resulting savings redound to the benefit of those involved and more broadly, to the taxpayers at large.

The MSPB is an independent adjudicatory body that hears appeals from Federal agency personnel disputes. MSPB judges hear a broad range of complex cases that affect thousands of Federal employees and the agencies for which they work. Over the last decade, MSPB judges have seen their jurisdiction steadily increase without a corresponding increase in resources. Last year, the Board handled nearly 8,000 cases with a staff of only 71 administrative judges. This bill would help reduce this caseload by establishing a pilot, three year early intervention ADR program at the Board. A chief strength of the program is that it makes ADR available to parties before their positions harden in preparation for formal litigation before the Board.

Until 1990, MSPB judges received compensation equivalent to that provided Immigration, Social Security and Administrative Law Judges. Since 1990, however, the wage disparity between MSPB judges and other administrative judges has detrimentally affected the Board's ability to attract and retain top judges. Over the last four years alone, the Board has lost nearly 20 percent of its judges to other adjudicatory agencies.

The Conference Report to the 1999 Omnibus Appropriations Act recognized the need to accord pay equity to MSPB, Immigration, and Administrative Law Judges. Last year, I introduced, and the House passed legislation to address this recognized inequality. Like the previous legislation, the current bill restores a measure of fairness to MSPB judge compensation vis-a-vis Immigration, Social Security and Administrative Law Judges.

Passage of the MSPB Administrative Dispute Resolution Act of 2001 will combat debilitating MSPB attrition rates and reduce costs to taxpayers by ensuring the success of the early intervention ADR program. Support for ADR is broad and its benefits are clear, and I urge prompt passage of the bill.

TRIBUTE TO JOYCE KEIL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying well-deserved tribute to Joyce Keil, the Founder and Artistic Director of the nationally acclaimed Ragazzi: The Peninsula Boys Chorus.

Under Ms. Keil's leadership Ragazzi has grown since its inception in 1987 into an internationally renowned chorus, successful in both live and recorded performance. Popular with audiences throughout the Bay Area and beyond, Ragazzi has its own concert series and also performs regularly with the San Francisco Opera, the San Francisco Symphony and numerous other outstanding musical groups. Ragazzi concerts are eagerly anticipated by its devoted and ever widening audience of music lovers, who are constantly thrilled by Ms. Keil's superb direction.

Mr. Speaker, Joyce Keil's extraordinary musical artistry is evident in Ragazzi's repertoire of selections from a variety of different cultures sung in many different languages and dialects. Ragazzi is about to embark on a celebrated fifth international tour where the chorus will travel to the British Isles in order to perform in England and Wales. This tour will include the participation of the chorus in the prestigious Llangollen International Musical Festival in Wales.

Ragazzi; The Peninsula Boys Chorus has also performed in Canada, Russia, Eastern Europe, Japan and in the Basilica of San Marco in Venice and St. Peter's Basilica in Rome. Joyce Keil has enriched the lives of over 450 boys and young men, who since the inception of this group have sung and been educated in vocal technique, music theory and performance skills in training for Ragazzi and it's laureate program, Ragazzi: Young Men's Ensemble.

Mr. Speaker, Ms. Keil's preeminence in the music world is demonstrated in her numerous appearances as a guest conductor, adjudicator and panelist for choirs and music teachers throughout the Western United States. She has been nationally recognized for her music program at Lick-Wilmerding High School in San Francisco. The Lick-Wilmerding Choruses received the gold medal in the 1998 Heritage Music Festival and captured second place in the 1997 Prague International Choral Festival.

Ms. Keil has served as Western Division Chair of the Boychoir Committee for the American Advanced Placement Music Exams. Formerly on the faculty of Holy Names College, Ms. Keil has also been a faculty member of the College of Notre Dame. Joyce Keil has often expressed her firm belief that choral music educates the whole person. She has made an outstanding contribution to the academic enrichment of hundreds of students fortunate enough to enjoy her tutelage.

Mr. Speaker, the Hillbarn Theatre is honoring Joyce Keil with its prestigious 2001 BRAVO! Award. I join the Hillbarn Theatre and urge all of my colleagues to join me in commending Ms. Keil's exceptional talent, generosity and commitment to our community. I also want to wish Ragazzi: The Peninsula Boys Chorus and Ms. Keil many more years of richly deserved success and artistic fulfillment.

A SPECIAL RECOGNITION OF MR. FRED FABRIZIO ON HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding individual from the State of Ohio. Mr. Fred Fabrizio, a physical therapist, is celebrating 39 years of distinguished service to his community in Tiffin and throughout Ohio.

Mr. Fabrizio, originally a Youngstown native, attended Heidelberg College in Tiffin prior to entering The Ohio State University, College of Physical Therapy. After graduating in 1962, he and his wife, Carmella moved to Peoria, IL. After only a short year they moved back to the town where they first met and fell in love.

Over a small kitchen table at home on Coe Street, Fred made a very important decision to partner with Pat Therriault, PT. After seven years of hard work, perseverance and success, Fred and Pat formed P.T. Services Inc. Since 1972 P.T. Services has grown to provide rehabilitation services, physical therapy, occupational therapy, speech therapy, aquatic therapy, corporate wellness and athletic training throughout the State of Ohio. Their dedication to their patients is an example for all healthcare professionals across the country.

Mr. Fabrizio has utilized this strong work ethic and dedication in his personal life. He is an avid runner, swimmer and bicyclist. He has competed and finished the prestigious Hawaiian Ironman Triathlon twice. He has also competed in America's top cross county ski race, the Birkebeiner, over 10 times. At present, Mr. Fabrizio is training for a 100-mile ultra-marathon in Leadville, CO.

Mr. Speaker, Mr. Fabrizio's dedication and service have earned him the highest regard for his character as a husband to his charming and dedicated wife, Kathy, father, grandfather, and physical therapist. At this time I ask my colleagues to join me in wishing Mr. Fabrizio and his family all the best in his retirement and future endeavors.

MEMORIAL DAY 2001: COURAGE AND HEARTACHE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. DELAHUNT. Mr. Speaker, for millions of Americans, this weekend's Memorial Day observance carries deep and personal significance. For two residents of southeastern Massachusetts, Lucy Duffy and Jim Cadigan, the solemn occasion will echo with courage and heartache, seared with the pain and pride of sacrifice on behalf of a grateful Nation.

HEADING THE CALL

When young Americans heeded President Woodrow Wilson's call to arms, one of those who crossed the Atlantic in the name of freedom was Sgt. Charles De Vries, an Army

medic stationed at the Camp Mars-Sur-Allier, one of the largest American base hospitals in Europe

During World War I, the French village of Saint Parize le Châtel and its neighboring hamlet of Moiry was home to this 44,000-bed facility. Day and night, Sgt. De Vries and his colleagues would tend to the wounded and dying.

In war's shadow, Sgt. De Vries met Rebecca Goethe, a young French girl from a nearby town. They were married and, after the Armistice, returned to the United States to start a new life and family.

This weekend, eight decades later, the daughter of that doughboy and village girl will represent the United States at ceremonies honoring Camp Mars-Sur-Allier—and the men and women who served and died there.

On Saturday and Sunday, Lucy Duffy of Brewster, Massachusetts, will represent the United States as the Cercle Culturel d'Entradide Généalogique dedicates a permanent exhibit to the hospital.

The people of the towns of St. Parize le Châtel and Moiry have never forgotten those who gave so unselfishly of themselves in the name of world peace. Located at the site of national cemetery where 2,000 victims of the Great War are buried, the memorial is inscribed with these moving words: Aux Américains Morts Pour la France, Le Droit et La Liberté 1916–1918 (To the Americans who died for France, Right, and Liberty).

AN AMERICAN HERO

Jim Cadigan of Hingham, Massachusetts, is a genuine American hero. Like an entire generation of Americans, he assumed the responsibility of our combat commitment in World War Two.

On February 26, 1945, Second Lieutenant Cadigan, a member of Company C, 20th Armored Infantry Battalion, 10th Armored Division, led a platoon advancing on the German town of Zerf. Upon hearing that a second platoon had been ambushed and was pinned down by enemy fire, he charged fortified enemy positions perched on high ground and, without concern for his own safety, singlehandedly wiped out two German machine gun nests.

Dozens of witnesses have testified that Lt. Cadigan killed or wounded 50 Germans and took 85 prisoners. The trapped US platoon was able to escape and reorganize, saving scores of American lives.

Without Jim Cadigan's heroism, it's likely that none of those men, or their children, would be alive today. To this day, at annual reunions, his comrades from that battlefield long ago in Zerf gather to swap old stories and meet new grandchildren; each year, his comrades travel long distances to salute a man who, quite literally, saved their lives.

Jim Cadigan is a legend in his home town of Hingham as well. This weekend, he'll serve as Grand Marshal of the Hingham Memorial Day Parade. People of all ages, from WW2 vets to elementary school kids, will have the opportunity to greet the brave soldier form down the street who has inspired such pride and respect.

HEARTS OF MEN

In cities and towns all across America, Memorial Day will be marked with parades down Main Street, patriotic speeches on the town square, backyard barbecues and Little League games in the park. In many ways, this reflects the distinctly American values that Sgt. De Vries and Lt. Cadigan went overseas to fight to protect.

For Cadigan and Duffy families, and countless others, Memorial Day is also a time for a quiet pilgrimage to cemeteries and memorials, for personal remembrance and reflection that stand the test of time.

More than 20 centuries ago. Pericles offered a tribute to fallen Greek warriors that echoes to us through antiquity: ''Not only are they commemorated by columns and inscriptions, but there dwells also an unwritten memorial of them, graven not on stone but in the hearts of men.''

TRIBUTE TO MARCIA THOMPSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. SKELTON. Mr. Speaker, I take this means to honor Marcia Thompson, of Lexington, MO, for being chosen as the Lexington R–5 school district's Teacher of the Year.

Mrs. Thompson has dutifully devoted 28 years of her life to educating America's children, the last 16 serving the youth of Lexington. She is a computer and business instructor. Mrs. Thompson was chosen at the 2001 teacher appreciation dinner, sponsored by the Lexington Lion's Club. The award's winner is chosen from the five schools in the Lexington R–5 district.

Mrs. Thompson has been a member of many organizations and received numerous awards. She has served on the Central District Business Educator's Association board as Chairperson, Secretary, Treasurer and President-Elect. She has also been named to Who's Who Among Missouri Business Educators.

Mr. Speaker, Marcia Thompson dedicated 28 years to educating our youth, serving with honor and distinction. As she continues her role in the development of America's future, I am certain that the Members of the House will join me in wishing her all the best.

TO HONOR OUTGOING CHAIRMAN OF THE BOARD FOR THE CITY OF UPLAND, CA CHAMBER OF COMMERCE, JAMES P. ANDERSON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GARY MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of Mr. James P. Anderson of Upland, California.

Mr. Anderson is the outgoing Chairman of the Board for the City of Upland Chamber of Commerce. According to his peers, Mr. Anderson has demonstrated personal and civic leadership in his role as Chairman and was actively involved in his community. He was always willing to accept multiple tasks and had a vast knowledge and experience in the Chamber's business operations and programs. Mr. Anderson showed great commitment to serving the Chamber and was truly dedicated to serving as Chairman.

Besides serving as Chairman of the Board for the Upland Chamber of Commerce, Mr. Anderson is a founding member of the Leadership Connection and an Advisory Council member for the San Bernardino County Community Credit Unions. He is also a past board member of the West End Executive Association and the United Way.

Mr. Anderson's tenure as Chairman of the Board of the Upland Chamber of Commerce brought great leadership in the development of strong economic development programs and public policy. He has achieved an impressive record of career and civic accomplishments and, in doing so, has earned the admiration and respect of those who have the privilege of working with him. I would like to congratulate him on these accomplishments and thank him for his service to his community.

INTRODUCTION OF THE NATIONAL HEALTH SERVICE CORPS REINVESTMENT ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mrs. MALONEY of New York. Mr. Speaker, I am proud to join with my good friends SHERRY BOEHLERT, MIKE CAPUANO and many other of my distinguished colleagues to introduce the National Health Service Corps Reinvestment Act.

Signed into law by President Nixon, the National Health Service Corps (NHSC) has placed more than 22,000 health care professionals in rural and urban areas across the country. Launched in 1972 to combat the growing number of communities without a health care provider, the Service Corps is a critical element of our nation's health care safety net.

The National Health Service Corps Reinvestment Act of 2001 will reauthorize the National Health Service Corps for five years and increases its funding by 50 percent. In addition, this legislation amends the tax code, making the loan repayment and the scholarship program tax exempt. Today, the scholarships and loan payments are considered taxable income. This measure would eliminate the federal tax requirement on both of these programs. By cutting taxes for students and practitioners, it removes the tax burden on these health care professionals and allows more money to be reinvested into the Service Corps.

Adding needed flexibility, the National Health Service Corps Reinvestment Act of 2001 also establishes a demonstration project to allow the NHSC scholarship and loan repayment programs recipients to fulfill their commitment on a part-time basis.

Lastly, this legislation includes two additional measures to simplify the application process for both the National Health Service Corps and community health centers.

Today, more than 2,400 Service Corps clinicians serve in every state, the District of Columbia, Puerto Rico and the Pacific Basin. In 1999, in my great state of New York, 240 National Health Service Corps practitioners provided essential health services to thousands of

New Yorkers in need (specifically, 131 primary care physicians, 32 physician assistants, 27 nurse practitioners, 27 dentists and oral health clinicians, 13 certified nurse midwives, and 10 mental and behavioral health professionals served in the NHSC in New York).

For many Americans, community health centers provide their only access to a doctor, a dentist, a nurse midwife, or a mental health professional. In many instances, the treatment offered in these health clinics is provided by a Service Corps clinician. The National Health Service Corps saves lives every day by providing early, preventive health care to those in poor, rural, urban, or otherwise medically underserved communities.

Nearly two million individuals in over 4,000 health shortage areas receive their health care through the National Health Service Corps. Unfortunately, only about 12 percent of the overall need is being met by the program. In 1999, the Corps had to turn away one-half of the underserved communities that requested a provider, because of a lack of funds.

Communities depend on these Service Corps clinicians, so we must strengthen the NHSC. Unfortunately, the authorization for this successful program expired in 2000. Illustrating the urgent need for congressional action, last year we were faced with press accounts such as ''Cuts in Loan Program Squeeze Doctors Who Work With Poor,'' [The New York Times, 7/30/00] and ''Shortchanging Young MDs'' [Boston Globe, 8/1/00]. M.J. Murphy, a nurse practitioner and constituent of mine, was included in the New York Times story. Ms. Murphy works at a health clinic which lost its eligibility last year due to a lack of Service Corps funding.

As a representative of nearly a dozen teaching hospitals and several nursing, dental and medical schools, a modernized National Health Service Corps is important for the constituents of my district. Beyond my district, a healthy and strengthened National Health Service Corps will continue to meet the medical needs of underserved and vulnerable populations across the country, as it has for nearly thirty years.

So, on behalf of the millions of Americans receiving quality health care from Service Corps clinicians, I urge my fellow colleagues to join me in support of the National Health Service Corps Reinvestment Act.

TRIBUTE TO ATHENS-LIMESTONE HOSPITAL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. CRAMER. Mr. Speaker, I rise today to honor Athens-Limestone Hospital on fifty years of outstanding service to their community. I congratulate Athens-Limestone on this accomplishment and I believe their excellence is reflected in the countless patients that have received top-of-the-line medical care and caring attention during their stay with the hospital.

Since the people of Limestone County came together in 1945 and began planning this hospital and since it opened its doors on May 28, 1951, Athens-Limestone has been a role model for other communities on how to be successful in keeping its neighbors healthy.

I congratulate the board members, administrative staff, medical staff and service personnel—for they are the real key behind the hospital's success for the past half a century. Athens-Limestone has grown and expanded to their current status with over one hundred patient beds, sixteen out-patient surgery beds, eleven new born nursery beds and many more specialized services.

This is a special anniversary for the Hospital and I congratulate them on their accomplishments. On behalf of the people of the 5th District of Alabama and the House of Representatives, I share my gratitude to Athens-Limestone for their good work these past fifty years and I wish them many, many more anniversaries like this one.

SALUTE TO CLIVE DAVIS

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to a man who is equally famous for his many contributions to the music industry as he is for his dedication to public service.

I speak of course, of industry legend Clive Davis.

From Radio and Records Magazine's ''Most Influential Record Executive of the Past twenty Years'' and multiple Grammy Award winner to the Congress of Racial Equality's ''Martin Luther King, Jr. Humanitarian of the Year,'' Clive Davis' gifts to American culture are great.

He has personally helped launch the careers of some of our country's most cherished artists including Janis Joplin, Billy Joel, Bruce Springsteen, Whitney Houston, Barry Manilow, Carlos Santana, Herbie Hancock and Pink Floyd just to name a few.

The only person ever to receive the T.J. Martell Foundation's ''Humanitarian of the Year'' award twice, Clive Davis is also committed to helping his fellow man. He's given much of himself and his money to support HIV/AIDS research.

Mr. Speaker, please let the RECORD reflect this Congress' appreciation for his efforts.

TRIBUTE TO RETIRING DISTRICT JUSTICE LEONARD M. McDEVITT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, on May 31st Darby Township will be seeing the last of Leonard ''Lenny'' McDevitt as their district justice. He will be retiring after many years of faithful service on the bench, but will no doubt remain involved in the community he loves so much.

District Justice Leonard M. McDevitt has been an indispensable part of the justice system in Darby Township since 1974. Justice McDevitt has shown outstanding service and dedication to his community for almost three decades. For example, while Justice McDevitt had the choice of rotating nights with other justices, he voluntarily worked from 4:30 p.m. to 10:30 p.m. for the last 27 years. His dedication and selflessness made life easier for dozens of his colleagues on the bench. A man who has shown such dedication to his community deserves the respect of all who know him. His good work has impacted more people than he could ever realize.

Replacing a man like Justice McDevitt will be difficult indeed. I salute Justice McDevitt for being a man of faithful dedication and as someone who truly helped the community he resides in. He is someone to be admired and respected for the dedication that he has shown over the past 27 years.

I am proud to represent Leonard McDevitt in Congress, and prouder still to have known him and worked with him on issues of concern to our local communities. The 7th district is a better place because of Justice McDevitt.

IN SPECIAL RECOGNITION OF CHRISTINA M. QUILLEN ON HER APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 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 Christina M. Quillen of Sandusky, Ohio, has been offered an appointment to attend the United States Air Force Academy, Colorado Springs, Colorado.

Mr. Speaker, Christina'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.

Christina brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force Academy cadets. Currently, she is a freshman at the University of Notre Dame. During her high school years she attended Perkins High School in Sandusky where she was named valedictorian with a grade point average of 4.6. Christina was a member of the National Honor Society and has earned the Goldfish Award that is granted to the top female student athlete for excellence.

Outside the classroom, Christina has distinguished herself as an excellent student-athletic and performing artist. On the fields of competition, Christina has earned letters in varsity softball and cheerleading. While in high school, Christina was a member of the marching band, wind ensemble, SADD, Student Council, Together Today for Tomorrow, Future Homemakers of America, Future Career and Community Leaders of America. At her first year at Notre Dame, Christina participated in Air Force ROTC, Arnold's Air Society, Honor Guard and Rifle Team.

Mr. Speaker, I am proud to rise today to pay special tribute to Christina M. Quillen. Our service academic offer the finest education and military training available anywhere in the world. I am sure that Christina 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.

IN MEMORY OF HERSCHEL J. GADDY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Herschel J. Gaddy, of rural Marshall, Missouri. He was 81.

Herschel Gaddy, a son of Homer and Effie Treon Gaddy, was born in Fair Grove, Missouri, on July 23, 1919. He graduated from Missouri University, where he was a member of FarmHouse fraternity, in 1941. Herschel married Dona Nella Stiles on February 1, 1941. After graduating from college he joined the U.S. Army and was stationed in Missouri, Oklahoma and Oregon. He then served as Lieutenant Colonel in Sicily and North Africa during World War II.

After completing his tour of duty, Herschel served as Assistant County Agent in Saline County, for the University of Missouri Extension in Bethany and as Saline County Agricultural Agent. Mr. Gaddy also spoke about agriculture issues on a weekly radio show on KMMO radio in Marshall. Herschel completed his Masters degree from Missouri University in 1969. He was then appointed Area Agronimist for Saline, Chariton and Carroll counties. When Herschel retired in 1975, he had served the area for 27 years.

Herschel was also a member of many local clubs. He served as president of Marshall's Chamber of Commerce and was a 50-year member of the Trilumina Lodge, Number 205 of the Order of Masons, the Order of Eastern Star Marshall Chapter 408. He was also involved in the local American Legion and Veterans of Foreign Wars. Herschel was a longtime volunteer for the Friends of Arrow Rock and was commander of the historic reenactment group, the First Brigade, First Regiment, Missouri Militia.

As a longtime member of the First Christian Church, Herschel taught Sunday school and served as chairman of the church board. He was a board member of the Missouri School of Religion's Center for Rural Ministry. Herschel also served as county campaign manager for many of my elections.

Mr. Speaker, Herschel Gaddy will be greatly missed by all who knew him. I know that Members of the House will join me in extending heartfelt condolences to his family.

THE UPCOMING MARRIAGE OF STEVE HOWELL AND KYRA FISHBECK

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GARY MILLER of California. Mr. Speaker, it is with heartfelt joy that I rise to offer my best wishes for the upcoming marriage of Steve Howell and Kyra Fishbeck.

Steve Howell has worked in my Capitol Office for approximately a year and a half. During this time, I have witnessed his great love for Kyra. It is obvious to anyone who knows Steve that his bride-to-be, Kyra, is the true joy in his life.

On Saturday, Steve and Kyra will take their wedding vows, pledging to love another for the rest of their lives. These are words that should not be uttered lightly or taken without serious thought and consideration. However, I know that Steve and Kyra have prepared for this moment and are anxiously anticipating this special day.

Having been married to my lovely bride for 28 years, I know that marriage is a wonderful institution. It is my hope that Steve and Kyra will be a blessing to one another, helpmates in all aspects of life, and forever cognizant of the love they feel today.

Mr. Speaker, I ask this 107th Congress to join me in congratulating Steven Howell on having found the woman of his dreams and wishing this young couple a lifetime of happiness together.

THE BUSH ADMINISTRATION—SERVING THE NEEDS OF THE ENERGY INDUSTRY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my extreme disbelief that the Bush Administration has once again turned its back on the American people and sided with the interests of big gas and oil. I would think that after calling for more environmental rollbacks than any other Administration in the 21st century, the Bush Administration would not want to harm the environment more than it already has when writing its energy policy. I would also think that after neglecting the needs of working class families and pushing a tax cut that benefits the wealthiest one percent of tax payers, the Bush Administration might take into account the needs of the American people when writing its energy policy. But as we can see from the Bush Energy Plan, I would be wrong to think these things. As we can see from the Bush Energy Plan, I would be wrong to think that this Administration has any plans or desire to represent the interests and needs of the American people.

For 117 days, the Bush Big Oil Team met behind closed doors to write an energy policy that it claimed would provide a long-term solution to America's energy woes. Unfortunately, it is clear that the Administration's energy proposal is nothing more than a hand tool of the already profiting energy industry. The only long-term plan the Bush Big Oil Team came up with is one that fills the pockets of the Administration's closest friends, the oil and gas companies. Even more, the plan neglects to address the need for immediate consumer relief. Americans are paying more for energy today than they have ever paid. It is time to provide them with relief and the Bush Energy Plan does not.

One month ago, I came to the floor and asked, ''What exactly is the Bush energy plan?'' Today, I come to the floor and now ask, ''How is the Bush energy plan going to work?'' The energy plan released by the Administration last week relies heavily upon drilling in some of our country's most pristine areas and does not focus on the exploration of renewable energy sources. If we do not consider a long-term energy plan that includes the exploration of renewable resources, then we are just wasting our time.

From drilling in the ANWR to drilling off of Florida's Panhandle, the Administration is once again neglecting the responsibility we have to protect our environment for nothing more than a short-term solution. It is widely accepted that roughly 3.2 billion barrels of economically

Finally, the Administration's energy plan fails to address the immediate need for consumer relief. In the past three weeks, the average cost of gas per gallon has increased by more than 9.5 cents to an all time high of $1.77 a gallon! Some drivers in the U.S. are paying more than $2.00 a gallon. At a time oil company profits are up more than 40 percent from this time last year, consumers are paying more at the pumps and in their homes. In failing to address this lopsided consumer-supplier relationship, the Administration has endorsed the oil industry's gauging of gas prices.

Mr. Speaker, there is little question that America is faced with an energy crisis of an enormous magnitude. Our country needs to look at new ways of creating energy. If current trends continue, Americans will use more energy in the coming years than ever. The Administration's idea to drill wherever an oil well will fit, however, will simply continue to fill the pockets of oil and gas industry executives and never actually solve our current crisis. If we are going to get serious about solving our energy woes, then we need to pursue research and development programs that examine energy efficiency, renewable energy, and types of energy, including solar, biomass, hydrogen, geothermal, and hydropower. At the same time, America's energy policy cannot neglect the responsibility Americans have to the environment. I will not support the exploration of a new energy policy at unnecessary costs to the environment and public health. It is time to get serious about America's energy policy. So far, however, the Bush Administration has done nothing more than turn its back on the American people.

TRIBUTE TO TONI AND JOHN A. SCHULMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. BERMAN. Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in paying tribute to Toni and John Schulman, my good friends who will be honored this evening by the American Jewish Committee. They will be presented with the prestigious 2001 Social Concern Award for their many contributions and tireless efforts to help others, especially children.

The American Jewish Committee is dedicated to the protection of civil and religious rights worldwide and its members take pride in honoring individuals who actively participate and generously give their time to this effort. The AJC's Social Concern Award recognizes the contributions and accomplishments of individuals who dedicate their time and good works to improve the lives of people in their community. Toni and John Schulman embody the spirit of this award and are role models for all of us.

Toni and John have given their love, energy and devotion to better the quality of life for children of all religious, racial and ethnic backgrounds. They are people of enormous integrity, great generosity and myriad accomplishments. I have had the pleasure of knowing the Schulmans for many years and have worked with John on a number of issues of concern to Warner Bros., where he serves as Executive Vice President and General Counsel.

John is a member of the Board of Directors of Bet Zedek Legal Services, California Legal Corps and the Constitutional Rights Foundation, and is involved with the Youth Law Center. All of these organizations provide free services, legal counseling and many other beneficial services for children.

Toni is a Trustee of both United Friends of the Children and the Alliance for Children's Rights. United Friends annually helps thousands of Los Angeles children who are victims of abuse, abandonment or neglect. The Alliance is the City's only free legal service organization devoted entirely to helping children living in poverty.

Toni and John are, to put it simply, wonderful people who give unstintingly to others. I am honored to express the gratitude of the community for their tireless service and to congratulate them on this recognition of their outstanding work. Please join me in saluting Toni and John Schulman for their many important and praiseworthy endeavors.

IN SPECIAL RECOGNITION OF EMILY C. WILLIAMS ON HER APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 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 C. Williams of Sandusky, Ohio, has been offered an appointment to attend the United States Naval Academy at Annapolis, Maryland.

Mr. Speaker, Emily's offer of appointment poises her to attend the United States Naval Academy this fall with the incoming USNA 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 Naval Academy Midshipmen. While attending Perkins High School in Sandusky, Emily has attained a grade point average of 4.37, which places her eighth in a class of one hundred seventy-nine students. Emily is a member of the National Honor Society and has earned several Scholar-Athlete awards.

Outside the classroom, Emily has distinguished herself as an excellent student-athlete and performing artist. On the fields of competition, Emily has earned letters in volleyball, basketball and softball. Also, Emily is an accomplished member of the marching band, wind ensemble, and pit orchestra.

Mr. Speaker, I am proud to rise today to pay special tribute to Emily C. Williams. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Emily will do very well during her career at the Naval Academy and I ask my colleagues to join me in wishing her well as she begins her service to the nation.

PERSONAL EXPLANATION

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HOBSON. Mr. Speaker, I was unavoidably detained on May 21, 2001, due to a delayed flight; therefore I missed rollcall votes 126 and 127. If I had been present, I would have voted ''yes'' for both H. Con. Res. 56 and H.R. 1885, rollcall votes 126 and 127 respectively.

MINOR ANIMAL SPECIES HEALTH ACT OF 2001

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. PICKERING. Mr. Speaker, I rise today in order to bring attention to a problem faced by livestock and food animal producers, animal and pet owners, zoo and wildlife biologists, and the animals themselves, which unfortunately goes largely unnoticed except by those who are directly affected.

There currently exists a severe shortage of approved animal drugs for use in minor animal species. These minor animal species include those animals other than cattle, horses, chickens, turkeys, dogs, and cats. In addition, there exists a similar shortage of pharmaceutical medicines for major animal species for diseases that occur infrequently or which occur only in limited geographic areas. Due to the lack of availability of these minor use drugs, millions of animals go either untreated for illnesses or treatment is delayed. This results not only in unnecessary animal suffering but may threaten human health as well.

Because of limited market opportunity, low profit margins, and enormous capital investment required, it is generally not economically feasible for drug manufacturers to pursue research and development and then approval for medicines used in treating minor species and infrequent conditions and diseases.

In addition to the animals themselves, without access to these necessary minor use drugs, farmers and ranchers also suffer. An unhealthy animal that is left untreated can spread disease through an entire stock of its fellow specie resulting in severe economic losses and hardships to agriculture producers.

For example, Mr. Speaker, sheep ranchers lost nearly $45 million worth of livestock alone in 1999. The sheep industry estimates that if it had access to effective and necessary minor use medicines, grower reproduction costs for these animals would be cut by upwards of 15%. In addition, feedlot deaths would be reduced 1–2% adding approximately $8 million of revenue to the industry.

The catfish industry, a top agriculture sector in my home state of Mississippi which generates enormous economic opportunities for our people, especially within the Mississippi Delta, estimates its losses at $60 million per year attributable to minor diseases for which drugs are not available. The U.S. aquaculture industry overall, including food as well as ornamental fish, produces and raises over 800 different species. Unfortunately, the industry has only five drugs approved for use in treating aquaculture diseases. The result is tremendous economic hardship and animal suffering within the industry.

Mr. Speaker, joined with my colleagues, Mr. COMBEST of Texas, Mr. POMBO of California, Mr. OTTER of Idaho, Mr. SIMPSON of Idaho, and Ms. THURMAN of Florida, I resolve to correct this unfortunate situation by introducing the Minor Animal Species Health Act of 2001. This legislation will allow companies the opportunity to develop and approve minor use drugs which are of vital interest to a large number of animal industries. Our legislation incorporates the major proposals of the FDA's Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals.

The Animal Drug Availability Act of 1996 required the Food and Drug Administration to provide Congress with a report, describing administrative and legislative proposals to improve and enhance the animal drug approval process for minor uses and minor species of new animal drugs. This report by FDA, delivered to Congress in December of 1998, laid out nine proposals. Eight of the FDA's proposals required statutory changes. The bill I am introducing today reflects the changes called for in the Agency's minor species/minor use report. The Act creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals. Furthermore, it creates a program very similar to the successful Human Orphan Drug Program that has, over the past twenty years, dramatically increased the availability of drugs to treat rare human diseases. Mr.

Speaker, besides providing benefits to livestock producers and animal owners, this measure will develop incentives and sanctioning programs for the pharmaceutical industry while maintaining and ensuring public health.

The Minor Animal Species Health Act of 2001 is supported by the Food and Drug Administration, the American Farm Bureau Federation, the Animal Health Institute, the American Veterinary Medical Association, and virtually every organization representing all genres of minor animal species. This is vital legislation which is desperately needed now. The Act will alleviate much animal suffering, it will promote the health and well-being of minor animal species while protecting and promoting human health, it will benefit pets and improve the emotional security of their owners, benefit various endangered species of aquatic species, and will reduce economic risks and hardships to farmers and ranchers. This is common-sense legislation which will benefit millions of Americans from farmers and ranchers to pet owners. I call on all my colleagues in the House to support the Minor Animal Species Health Act of 2001.

HONORING MUSEUM MAGNET IN SAINT PAUL, MINNESOTA AS A RECIPIENT OF THE BLUE RIBBON SCHOOL AWARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Ms. MCCOLLUM. Mr. Speaker, I rise today to honor and celebrate the great achievement of Museum Magnet School in Saint Paul, Minnesota for being named a Department of Education Blue Ribbon School. Blue Ribbon Schools are selected by the Department of Education because they have been judged particularly effective in meeting local, state and national goals. These schools display the qualities of excellence that are necessary to prepare our young people for the challenges of the new century. Blue Ribbon status is awarded to schools that have strong leadership, a clear vision and sense of mission, high quality teaching, and challenging, up-to-date curriculum. Further, these schools have policies and practices that ensure a safe environment conducive to learning, solid evidence of family involvement, evidence that the school helps all students achieve to high standards, and a commitment to share best practices with other schools.

The Museum Magnet School's mission is to develop creative, independent thinkers who can work cooperatively to solve problems. Their partnership with the Science Museum of Minnesota allows the school to apply the technology, creativity and excitement of museums to the achievement of academic excellence. The students at Museum Magnet use their strong academic skills to create exciting new exhibits in a school museum and share their findings with other students. This community/public partnership creates a nurturing, stimulating environment for teachers, parents and students.

I am so proud of the accomplishments of Museum Magnet and applaud the leadership of the administrators, teachers and students in the pursuit of excellent, community-based education for Minnesota's children.

TRIBUTE TO CHIEF OF POLICE RUSSELL J. BOND

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Chief of Police Russell J. Bono for his thirty years of service with the Borough of Norristown Police Department in Montgomery County, Pennsylvania. His dedication to the citizens of Norristown has been exemplary and without peer.

Russell Bono began his tenure in 1971 as a patrol officer. He quickly advanced to a K–9 Officer and then to detective. He was promoted to sergeant and then to captain in 1996, before being made Chief of Police in 1998. Chief Bono has served in all of the positions in the department. For three years he has also been the Acting Public Safety Director for the Borough of Norristown. He is responsible for all public safety including the police, fire and code enforcement.

Chief Bono has furthered his education as well as his career. He graduated Magna Cum Laude from Montgomery County Community College with an Associate Degree in Criminal Justice in 1977. In 1995 he graduated from the FBI National Academy.

He has been active in his community as a member of the County Revitalization Board and the Mannechoir Club. He and his wife Linda have been married for thirty years and are the parents of three daughters.

It is a privilege to honor the contributions and the public service of Chief Russell Bono. I wish him continued success in all of his endeavors.

MONSIGNOR JOHN J. EGAN, 1916–2001

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to celebrate the life of Monsignor John J. Egan, a man who never wavered in his mission to promote justice and to better the lives of so many people. He struggled on behalf of the poor and working men and women, gave voice to the voiceless, and cared for those pushed aside by our society.

I personally called him a friend and am proud to have worked with him for many years. He was also a friend of every man, woman or child who needed a helping hand, a voice, or simply a sympathetic ear.

Monsignor Egan, a leader who has spoken so eloquently against racism and bigotry, was among the first Catholic priests to join the civil rights movements. He marched in Alabama in the 1960s for equal rights for all people. He was a man who led by example. Monsignor Egan was also instrumental in saving countless families from eviction and life on the streets. He understood that being poor should not translate to being homeless. He stood on many picket lines supporting workers struggling for their right to organize and improve their working conditions.

People throughout the nation knew Monsignor Egan. He was admired by so many from a wide cross section of our society. He has left a lasting impression on those he has met during his years. He received a religious leaders award from Rainbow/PUSH and was honored by the Chicago chapter of the American Jewish Committee, the Travelers and Immigrants Aid, Citizen Action of Illinois to name only a few. Those awards are a testament to his effective social activism.

In honor of his life, I urge that we continue to follow in his steps, learn from his example, and organize for public policies that are fair and equitable. I urge all my colleagues to read the following accounts from the Chicago Tribune, Chicago Sun-Times, and New York Times celebrating Monsignor Egan's life.

[From the Chicago Tribune, May 20, 2001]

MONSIGNOR JOHN EGAN 1916-2001; PRIEST WAS ''CONSCIENCE'' OF THE CITY

(By Noah Isackson)

Monsignor John ''Jack'' Egan, a priest whose battles for social justice made him one of Chicago's most influential religious leaders, died Saturday, May 19, in the rectory of Holy Name Cathedral.

''A great priest has gone back to God,'' said Cardinal Francis George, Catholic archbishop of Chicago.

An archdiocese spokeswoman said Egan, 84, died of cardiovascular disease.

Egan served the Roman Catholic Church for 58 years, bringing his ecumenical approach to Chicago's grittiest haunts and the nation's toughest social problems.

''He was eager to help people,'' said Bishop Timothy J. Lyne, a friend for more than 65 years. ''Especially people who were treated unjustly.''

Egan was born in New York but moved to Chicago early and grew up in the Ravenswood neighborhood. He attended DePaul University, then studied for the priesthood at St. Mary of the Lake Seminary in Mundelein. He was ordained in 1943.

In 1965, Egan marched with Rev. Martin Luther King Jr. in Selma, Ala. Later, a photo of him walking with King and other protesters became a call for clergymen across the country to join the civil rights movement.

As director of the Archdiocesan Office of Urban Affairs from 1958 to 1969, Egan became a powerful voice in promoting subsidized housing as a way to fight urban segregation. Later, Egan became an outspoken opponent of public housing and called Cabrini-Green ''a concrete monument to the city's racism.''

From 1970 to 1983, he was the special assistant to the president at the University of Notre Dame. He returned to Chicago in 1983 as the archdiocese's director of human relations and ecumenism.

''He was the city's conscience,'' said Rev. Robert McLaughlin, pastor of Holy Name Cathedral. ''He was a conscience not only to the politicians and the people, but the church as well, a man who dared to be a gadfly and raise important issues.''

''He really had a way of challenging people on very serious moral issues without alienating them,'' said Rev. John Minogue, president of DePaul University. ''And with that, he kept the dialogue open so that change could actually happen.''

Egan had headed DePaul's Office of Community Affairs for four years at the time of his death. The university honored Egan by naming its urban think tank and community service organization after him, calling it the Egan Urban Center.

In 1993, thousands of people attended a celebration at Holy Name Cathedral marking the 50th anniversary of Egan's ordination to the priesthood. Plumbers hosted a similar celebration at Plumbers Hall on the West Side. Buses were chartered to bring the monsignor's admirers to and from the event.

He is survived by his sister, Kathleen Egan Martin.

His body will lie in state at Holy Name Cathedral from 3 to 9 p.m. Monday and Tuesday. Mass will be said at 10 a.m. Wednesday at the cathedral.

[From the Chicago Tribune, May 22, 2001]

PRIEST RECALLED AS TIRELESS FIGHTER; HIS KINDNESSES ARE REMEMBERED

(By Kevin Lynch)

When Mary Louise Kurey moved to Chicago four months ago, she was overwhelmed by the size of the city and the scope of its social problems.

But then Monsignor John Egan delivered a sermon one Sunday encouraging parishioners at Holy Name Cathedral to take an active approach to their religion.

Within a few weeks, Kurey had joined the fight against Chicago's social ills, starting with a single boy. She began tutoring a 4th grader at St. Joseph School, and she now can't imagine life without their weekly study sessions.

''I was new to the city, and I felt a little shy about getting involved,'' said Kurey, 26. ''He made me feel very much at home . . . and inspired me to reach out like he did in his life.''

Kurey was one of hundreds at Holy Name Monday to pay respects to Egan, 84, who died Saturday in the church rectory.

His body lay in state Monday during visitation, which will continue Tuesday from 3 to 9 p.m. A funeral mass will be said at 10 a.m. Wednesday in the cathedral.

Mayor Richard Daley said the city has lost ''one of its most courageous moral and spiritual leaders.'' Egan ''never wavered in his commitment to the poor and underprivileged and to equal rights for all,'' Daley said in a statement.

''Jack Egan didn't just talk about social change; he worked hard for social change for his entire life, and he helped make Chicago a better city.''

Though Egan was best known for championing desegregation and organized labor and improving education and housing for the city's poor, many who filed past his casket Monday remembered his small acts of kindness.

''I bumped into him in the hall one day and introduced myself,'' said Dan Ursini, 48, a library clerk at DePaul University, where Egan headed the Office of Community Affairs since 1997. ''He was a very approachable, down-to-earth person. I doubt that he would have remembered my name, but whenever I saw him after that, he'd take the time to chat.''

It was Egan's seemingly inexhaustible dedication to social causes that set him apart from other activists, Ursini said.

''It's one thing to see a person help engineer an important social change during one part of his life, but to see him keep it up 20 or 30 years later, that's even more impressive. In that way, he was a deeply inspiring individual'' Ursini said.

Last year, Egan decided to take on the payday loan industry after meeting a parishioner who became trapped in a long cycle of debt after borrowing $100, said Rev. Robert McLaughlin, pastor of Holy Name and a longtime friend of Egan's.

His efforts led to a bill introduced in Springfield this year that would set caps on payday loan interest rates.

[From the Chicago Sun-Times, May 21, 2001]

HOLY NAME MOURNS EGAN

(By Maureen O'Donnell)

Reflecting on his life, Monsignor John J. Egan would say: ''You know, I didn't leave any enemies behind.''

And then, with a little smile: ''They all died before me.''

''Jack'' Egan was remembered Sunday at Holy Name Cathedral by some of the people who knew him best as a man of courage, compassion and wit.

Usher Bob Gowrylow, 64, marched for civil rights alongside Egan in the 1960s.

''They threw rocks at us and called us the 'n'-word,'' said Gowrylow. ''It was the most frightening thing.''

Bystanders spat on marching priests and nuns, but Egan never faltered.

''He kept walking, linking arms, walking together,'' Gowrylow said. ''He never would falter in anything. The man was unbelievable.''

Egan, who died Saturday at age 84, was part of a group of priests whose commitment to justice and civil rights made the Chicago priesthood one of the most exciting in the country, said Father Jack Farry, associate pastor at Holy Name. The monsignor became a hero to Farry while he was in the seminary.

''Before that, priests and sisters kind of stayed out of things,'' Farry said. ''But he made it very clear to people this was something we needed to be involved in.''

Egan's commitment to the poor kept him an activist until the end, as he campaigned against payday loan operations. His interest in the issue was stirred when a woman came to Holy Name for help. She couldn't get out from under her debt because of excessive interest.

Egan hopped on a bus to pay off her loan.

''Here's this little 83-year-old guy going to the West Side on a bus with somebody he didn't even know to help them out,'' said parishioner Ralph Metz, 46, an investigator with the Cook County Public Defender's office.

But he wasn't just a big-picture priest, friends and associates said. A rapt listener, he made each person he spoke with feel like they were the only person in the world.

He used the same conversational starter for everyone, be they a celebrity or everyday Chicagoan: ''So, where did you come from?''

People would launch into stories of their childhoods and where they grew up and where they went to school, said Peggy Roach, his administrative assistant of 35 years.

Soon after asking actor Joe Mantegna ''Where do you come from?'' he had his whole life story, Roach said. He and the actor became fast friends.

Egan would even start conversations on elevators, said Margery Frisbie, who wrote a book about Egan titled An Alley in Chicago: The Ministry of a City Priest.

He made Holy Name feel like a home.

''He used to stop mass to say, 'Hey, you in the back, there's a seat up here,' '' said Florence Agosto. ''He didn't take it too seriously, even though it was a cathedral. He was an old-time, wonderful priest.''

Even when it was 10 below, he was out on the steps in his fedora and topcoat shaking people's hands, said Beverly Todhunter, 73, a downtown retiree.

Sister Anne Marie Dolan remembered his kindness to the homeless people he met on the street.

''I don't think he ever passed any one of them without giving them a donation,'' she said.

Egan loved classical music and chocolate milk, which enabled him to get all his medications down, Roach said.

Until the very end of his life he interceded on behalf of others. On the day he died he was in great pain, but he knew there were ordinations going on at Holy Name. Despite his discomfort, Roach recounted, Egan asked God to help the new priests:

'' 'Lord, I want to pray for the 10 men being ordained today. Give them courage.' ''

Visitation will be at Holy Name from 3 to 9 p.m. today and Tuesday. His funeral will be at 10 a.m. Wednesday at the cathedral, with burial at All Saints Cemetery in Des Plaines.

[From the New York Times, May 22, 2001]

JOHN J. EGAN, PRIEST AND RIGHTS ADVOCATE, IS DEAD AT 84

(By Peter Steinfels)

Msgr. John J. Egan, a Roman Catholic priest in Chicago whose work on issues of civil rights, changing neighborhoods and poverty shaped church efforts in those areas nationally, died on Saturday in Chicago in the rectory of Holy Name Cathedral. He was 84.

An influential figure for over four decades in both the religious life and neighborhood politics of Chicago, Monsignor Egan exerted an influence that stretched far beyond that city.

His work in the 1960's with Saul Alinsky and Mr. Alinsky's Industrial Areas Foundation laid the groundwork for what is now a national pattern of community organizing projects based on interfaith coalitions of congregations.

Ordained a priest in 1943, Monsignor Egan directed the Cana Conference of Chicago from 1947 to 1958. The conference was a ministry to married couples that developed a marriage preparation program, Pre-Cana, that has also been influential nationally.

From 1958 to 1969, Monsignor Egan directed the Chicago Archdiocesan Office of Urban Affairs, where he became deeply engaged in struggles over racial integration and urban renewal.

In 1965, despite his doctor's orders to avoid stress to a damaged heart, he responded to the Rev. Dr. Martin Luther King Jr.'s appeal to members of the clergy to march in Selma, Ala.

He was already known for publicly criticizing the effects of urban renewal projects and public housing on established neighborhoods. He tangled with Mayor Richard J. Daley of Chicago, challenged the University of Chicago's neighborhood renewal plans and complained of ''the dictatorial powers'' of urban planners like Robert Moses in New York City.

Some proponents of urban renewal and integrated housing attacked Monsignor Egan in turn as a self-interested defender of largely white Catholic neighborhoods. Conservatives, including some pastors, recoiled at his working partnership with Mr. Alinsky, a self-styled radical agitator.

Eventually, Cardinal John Cody disbanded the Office of Urban Affairs in 1969, and Monsignor Egan spent the years from 1970 to 1983 at the University of Notre Dame. There he directed the Institute for Pastoral and Social Ministry, and with Peggy Roach, another veteran of struggles for racial justice, he

Many of those he influenced called him a ''surrogate bishop'' for Catholics engaged in social and political struggles.

Brought back to Chicago in 1983 by Cardinal Joseph Bernardin to direct the archdiocese's Office of Human Relations and Ecumenism, in 1987 Monsignor Egan became head of the Office of Community Affairs at DePaul University in Chicago, a position he held until his death.

John McGreevy, a historian at Notre Dame and the author of ''Parish Boundaries'' (University of Chicago Press, 1996), a prize-winning study of the Catholic Church's handling of racial issues in Northern cities, compared Monsignor Egan to ''the classic parish priests early in the century who were great politically skilled organizers.'' But Monsignor Egan, Professor McGreevy said, ''made the transition to organizing outside the church as well as within it.''

Monsignor Egan did not shy from internal church controversies. In the 1960's he led a group of reform-minded priests in Chicago, and recalled painfully a single year in Cardinal Cody's tenure when no fewer than 45 priests came to tell him about their decisions to leave the priesthood.

A month ago, he circulated for publication a plea for the church to ordain women and married men and give women leading roles in the Vatican.

''Why are we not using to the fullest the gifts and talents of women who constitute the majority of our membership throughout the world?'' he wrote. ''I realize that even to raise aspects of this question, I label myself a dissenter. Yet prayerful, responsible dissent has always played a role in the church.''

Despite his deep identification with Chicago, Monsignor Egan was born in Manhattan, on 134th Street in what was then an Irish section of Harlem. His father, a bus driver, and his mother, a dressmaker, were immigrants from Ireland, and moved to Chicago when John was 6.

He is survived by a sister, Kathleen Egan Martin of Rockford, Ill.

INTRODUCTION OF INTERNATIONAL ENVIRONMENTAL DEFENSE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the International Environmental Defense Act of 2001.

The purpose of this bill is to clarify the authority of the Secretary of Defense to respond to environmental emergencies. It is cosponsored by my colleague from Colorado, Representative JOEL HEFLEY. I greatly appreciate his support.

In times of natural disaster or other emergencies, the United States for decades has come to the aid of those in need—whether the crisis is the result of an earthquake in Turkey, an erupting volcano in South America, or deadly floods in some other part of the world.

When the need arises, the U.S. government provides humanitarian assistance through the U.S. Agency for International Development, the State Department, the Defense Department, and other federal agencies. It also contracts with private voluntary agencies to provide such assistance and coordinates the U.S. response with that of other countries.

The American military has an outstanding record of participation in these activities. All Americans take pride in the humanitarian assistance provided by the men and women of our armed services.

I strongly support this policy. It is the right thing to do, and in the best interests of our country as well as of people everywhere. Humanitarian assistance is critical to help communities or regions or whole countries recover from devastating natural or man-made events.

But global emergencies come in other forms as well—including environmental emergencies such as oil or chemical spills or other similar occurrences. They may not have the immediate impact on people of homes destroyed in an earthquake or of crops lost to drought. But by polluting waterways, killing fish or other species, or contaminating the air, water, or land, environmental disasters can have devastating effects on the health and well-being of people, wildlife, and ecosystems.

So, wherever they occur, environmental emergencies have the potential to affect the national interests of the United States. And our government—including our military forces—should have the same ability to respond as in the case of other emergencies.

Current law authorizes the Department of Defense to use its funds for the transport of humanitarian relief, allowing U.S. military personnel to help provide foreign countries with emergency assistance such as helicopter transport, temporary water supplies, and road and bridge repair. For example, U.S. military personnel were part of the U.S. response to Hurricane Mitch in Central America and to this year's earthquakes in El Salvador and India.

But when it comes to environmental emergencies, under current law the military now has less ability to help. Those are the situations that are addressed by the bill I am introducing today.

The International Environmental Defense Act would fill a gap in current law so U.S. military transport could be used not only for humanitarian, but also for environmental emergencies. The bill does not require that this be done—but it would authorize the Defense Department to do so, just as current law authorizes but does not require the transport of humanitarian assistance to respond to other emergencies.

As an illustration of the limitations of the current law, consider a recent case about which I have first-hand knowledge.

Earlier this year, as all our colleagues will recall, there was a very serious oil spill in the Pacific Ocean that threatened to contaminate the Galapagos Islands. The government of Ecuador and people everywhere were very concerned that this could imperil the world-famous wildlife of the islands and the rest of that unique ecosystem. They hastened to organize a response.

As part of that response, the Ecuadoran government was in contact with a company in Colorado that makes a product to absorb oil from sea water. But complications arose, and the company contacted my office to see if we could help resolve them.

As we explored the situation, we learned that while the government of Ecuador was interested in acquiring the Colorado company's product, they also wanted to arrange for the United States to transport it to Ecuador by military aircraft, because that would be quicker and cheaper than other alternatives. But when we contacted the Defense Department to see if there was a possibility that it could be arranged, we learned about the limitations of current law. In short, we learned that while military transport might be possible to provide humanitarian relief, that option was not available to respond to an environmental emergency.

The bill I am introducing today would change that—not by requiring the military to provide transport in such a case, but by providing that option in case the U.S. government should decide it would be appropriate.

So, Mr. Speaker, this is not a far-reaching bill. But I think it would provide useful authority for our country to respond to environmental problems that, ultimately, can affect us and the rest of the world.

PAYING TRIBUTE TO RYAN MILLER RECIPIENT OF THE HOBEY BAKER AWARD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Ryan Miller of East Lansing, Michigan, for being named the top college hockey player in America in 2001. Ryan Miller, a Michigan State University sophomore, received the Hobey Baker Award, only the second time in history a goalie has earned this prestigious honor.

Ryan's brilliant 2001 season included leading the nation in four key statistical categories, the most spectacular being 10 shutouts in 39 games, bringing him to an NCAA career record with 18 shutouts as goalie for the MSU Spartans. Ryan also was named CCHA Defensive Player of the Week five times during the regular season.

Born and raised in East Lansing, the home of MSU, Ryan comes from a hockey family. His grandfather, father, uncle and five cousins all played hockey for the Spartans, and a cousin, Kip Miller, won the Hobey in 1990. In addition to his hockey legacy, Ryan also deserves recognition for his academic achievements both in high school and at MSU.

I urge my colleagues in the U.S. House of Representatives to join me in congratulating Mr. Ryan Miller for his achievements, in particular for receiving the Hobey Baker Award. We wish him well in his future endeavors.

TRIBUTE TO MR. TOM SCHEPERS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Ms. MCCOLLUM. Mr. Speaker, I rise today in celebration of the tremendous achievement by a constituent of mine from South St. Paul, Minnesota, Mr. Tom Schepers.

Last November, on Veterans' Day, the Washington, D.C. area welcomed Tom Schepers, as he completed his 5-month, 3,300 mile run in support of the World War II Veterans Memorial. Beginning at Camp Pendelton, California on D-Day, June 6th, 2000, Mr. Schepers covered 25 miles a day, 6 days a week through the Mojave Desert, thin Rocky Mountain air and other extreme conditions. This was no ordinary run. While many Americans would struggle to complete even a single day of such an exhaustive journey, Mr. Schepers completed it while carrying an American flag and a POW/MIA flag on a 10-foot flagpole as well as a 10 lb weight belt, representing the emotional weight borne by the World War II Veterans for over 50 years.

Mr. Schepers heroic story is a tribute to the will and determination of our nation's Veterans. A decorated Vietnam Marine Veteran,

earning the Purple Heart and Bronze Star, Mr. Schepers was shot through the leg and foot while saving a fallen comrade. He was not expected to ever walk again, let alone run. But through commitment, sheer determination and pushing himself to his physical limits, he battled back to health. Today, he devotes much of his time assisting ailing Veterans and working to raise awareness to issues of importance for all Veterans. He has logged over 3,500 miles while running for both Vietnam, and Korean War Veterans, in between working as a registered nurse and keeping-up with his three grown children, Melissa, Jennifer and Matthew.

Although Mr. Schepers' story may be news to many, the plight of our World War II Veterans is too frequently forgotten. According to the Veterans of Foreign Wars, of the 16 million Americans that served in World War II, 672,000 were injured and 406,000 died. Each day of freedom we live, we owe to them. Mr. Schepers' tribute to this great American generation is a welcome sight, and one that all Americans must not take for granted.

As the spouse of a Vietnam Veteran, it is both a privilege and an honor to recognize Mr. Schepers for his dedication to our nation's Veterans and for his unwavering commitment to our country. All Veterans deserve our full, undivided respect and admiration for the sacrifices they have made to preserve our freedom. Tom Schepers is a hero for his service as well as for the gratitude he has demonstrated for those who have served our country.

TRIBUTE TO COACHES VS. CANCER FUNDRAISERS JULI AND JIM BOEHEIM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. WALSH. Mr. Speaker, seven years ago, a group of NCAA basketball coaches gathered to create Coaches vs. Cancer, an effort dedicated to reducing the risk of cancer in youth and raising funds to assist in the research, patient services, advocacy, and prevention programs of the American Cancer Society. Since its inception, Coaches vs. Cancer, now a formalized partnership between the National Association of Basketball Coaches and the American Cancer Society, has raised millions of dollars nationally.

In Central New York, Syracuse University Men's Basketball Coach Jim Boeheim began his longtime involvement in the effort during the 1995–1996 season. In its first year of existence, Coach Boeheim's group raised a record for first year programs nationally and finished second in local contribution totals across the country. In its second season, the Syracuse program became the national effort's largest local fundraiser, an honor the Central New York program holds even to this day. Coach Boeheim currently serves as National Chair of the Coaches vs. Cancer Council.

In addition to Coach Boeheim's advocacy and support, the Syracuse chapter owes its success to the work of Juli Boeheim. Since beginning her involvement, Juli Boeheim has chaired numerous fundraising and public awareness events, including creating the Coaches vs. Cancer Basket Ball Black Tie Gala, which has netted over $350,000 over the past two years. Both Jim and Juli Boeheim have traveled regionally and nationally on behalf of the organization and assist in recruiting additional coaches and their spouses to become involved. They have filmed public service announcements, made numerous hospital visits, and attended dozens of public awareness events on behalf of the organization.

Jim and Juli Boeheim's leadership has allowed the Syracuse University Coaches vs. Cancer program to raise close to $2 million for the local programming of the American Cancer Society. As the Home Builders Association of Central New York prepares to honor the Boeheims for their longtime work at its annual Parade of Homes Preview Party on May 31st, it is my privilege to recognize Jim and Juli Boeheim for their leadership—on both a national and local level—within the Coaches vs. Cancer organization.

TRIBUTE TO MR. IRV REFKIN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HUNTER. Mr. Speaker, I rise today to recognize a good friend from the San Diego area, Mr. Irv Refkin. Irv will be celebrating his 80th birthday next month and I wanted to take this time to say congratulations.

Irv has lived in Coronado for 20 years and has always been a great supporter of the San Diego community and all its causes. He has never been afraid to speak his mind and when you ask his opinion, you better be prepared to get it.

For five decades, Irv has been involved with the U.S. Navy and several aspects of shipbuilding and repair. Since 1976, Irv has been President of Pacific Defense Systems, a very important ship repair company in National City, California, where he is responsible for all operations. Throughout his service, I can always count on Irv to come up with innovative ideas that help the little guys.

I enjoy working and knowing Irv. He is a world traveler, having just returned from a trip to South Africa, Rome and Madrid, knows how to enjoy fine dining, and is a tremendous asset to the San Diego community. Happy 80th birthday Irv.

HONORING THE 60TH ANNIVERSARY OF ROY AND FERN BARNES

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Roy and Fern Barnes of Pasadena, Texas as they celebrate their 60th Wedding Anniversary on June 6, 2001. Roy and Fern have exhibited the finest principles in their service to their community and their family.

Roy Barnes was born in McAlester, Oklahoma, on April 30, 1920. He graduated from Henryetta High School in Henryetta, Oklahoma in 1938. Fern Barnes was born in Hannah, Oklahoma, on January 27, 1922 and was named Ruth Fern Painter. She graduated from Henryetta High School in 1938 and met Roy in 1940.

They eloped in 1941 and were married by a Justice of the Peace in Holdenville, Oklahoma. Roy and Fern later moved to California so Roy could work in a shipyard. He joined the U.S. Army in 1944 to serve his country. After his service in World War II, he sought work in Texas and found it in 1947 at the Shell Chemical Company in Deer Park.

Roy joined the Oil, Chemical, and Atomic Workers International Union in 1948. Actively involved in union affairs, Roy was elected as President of OCAW Local 4–367 in 1963. In 1970, he was elected to the full-time position of Secretary-Treasurer, a position he held for fourteen years, until he retired in 1984. He also served at the national level of the OCAW, as a member of the Executive Board, from 1975 to 1983.

Roy was also active in community affairs, such as serving on the Salvation Army Advisory Board. He was elected to the Harris County Democratic Executive Committee and served as Judge of Precinct 170 for twenty years.

Fern was a full-time homemaker and mother. As her three children grew older, she participated more in local civic activities. She was a volunteer in several hospitals including Southmore, Veterans and Ben Taub for many years. She and Roy have been active in the Golden Acres Civic Club, where Fern has served in every office, including President. Fern was also appointed a member of the Harris County Appraisal District Appeals Board, serving for three years. She was also a member of the Pasadena Independent School District Equalization Board. She was also Assistant Precinct Judge in Precinct 170 for twenty years. She is still active today, currently serving as the Treasurer of the OCAW 4–367 Retirees Club.

Roy and Fern have contributed many efforts to improve our community. They are lifelong Democrats who have always upheld the principles of fairness, honesty and compassion. As part of their legacy, they raised three children who were taught that they have a duty to do that which was right, without concern for whether it was convenient or not. Each of the children became an active member of the community, one as a lawyer, one who became Secretary-Treasury of OCAW 4–367, following his father's example, and one who taught American Government for 29 years at San Jacinto College.

Throughout 60 years of marriage, Roy and Fern Barnes have exhibited a loving relationship which has been an example of how a good marriage can work for the two people and their community. I want to congratulate Roy and Fern Barnes on this special occasion of celebrating their 60th Wedding Anniversary.

CONGRATULATING DETROIT AND ITS RESIDENTS ON THE TRICENTENNIAL OF THE CITY'S FOUNDING

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

Mr. DINGELL. Mr. Speaker, I rise today in support of H. Con. Res. 80, a concurrent resolution congratulating the city of Detroit and its residents on the 300th anniversary of its founding. Detroit has a proud history and has played an important role in the development of the United States. I am pleased that I, and my father before me, have had the opportunity to represent Detroit and the Detroit area for many years.

Detroit was founded in 1701 by French explorer Antoine de La Mothe Cadillac and originally called Ville d'Etroit which means ''city of the strait.'' Detroit is the oldest major city in the Midwest, older than Cleveland, Cincinnati, Chicago, and Minneapolis.

Most Americans know Detroit as the automobile capital of the world. However, it has a storied past and has done more than just put the world on wheels. Detroit was the last station before Canada on the Underground Railroad. It was also an important battleground in the fight for organized labor and is still home to several unions including the United Auto Workers.

Detroit was named ''Arsenal of Democracy'' for its contributions to the U.S. war efforts during World Wars I and II. It has played an integral role in developing jazz, rhythm and blues, and the Motown Sound. Additionally, it continues to be an important gateway to Canada.

Throughout its history, Detroit has been the focal point for many other important developments. The mile-long Detroit-Windsor tunnel under the Detroit River was the first automobile traffic tunnel built between two nations. It was in Detroit that Elijah McCoy invented the first practical automatic lubricating cup for trains resulting in the phrase ''the real McCoy.'' You may be interested to know that the ''sippy cup,'' a must have for parents with small children, also was invented in Detroit by Edward Olsen.

Detroit has faced many challenges in its history, from the fire of 1805 that destroyed all but one of its 200 structures to its push to move from an economy dependent on heavy manufacturing to one that is more diverse and focused on the advanced technologies of the future. Detroit has overcome many difficulties and has prospered.

Mr. Speaker, Detroit is the tenth largest U.S. city. It is a metropolis that is vibrant, diverse, and of a world-class caliber. Accordingly, I congratulate its residents on the 300th anniversary of its founding.

INTRODUCTION OF H.R. 1953, THE ''RANCHO CORRAL DE TIERRA GGNRA BOUNDARY ADJUSTMENT ACT OF 2001''

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. LANTOS. Mr. Speaker, with the introduction of H.R. 1953, the ''Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act of 2001'' today we have an incredible opportunity to add over 5,000 acres of pristine natural land to the Golden Gate National Recreation Area (GGNRA), one of our nation's most visited national parks. Furthermore, we have a unique opportunity to do this through a public-private partnership.

The Rancho Corral de Tierra addition to the GGNRA includes one of the largest undeveloped parcels on the San Mateo coast south of San Francisco, and it contains rugged land that is unparalleled in other areas of the park. These lands consist of some of the last undeveloped acreage adjacent to existing parkland in the Bay Area. Permanent protection of these open spaces will protect and preserve unique coastal habitats of threatened, rare and endangered plant and animal species, curb future disruptive development along the coast, and provide important scenic and recreation opportunities for Bay Area residents and visitors to our area.

Mr. Speaker, I urge my colleagues to join me in seizing this unique, exciting and significant opportunity for a public-private-partnership to preserve open space by supporting the adoption of H.R. 1953. Similar legislation is being introduced today in the Senate by Senator DIANNE FEINSTEIN and Senator BARBARA BOXER. The ''Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act of 2001'' has the support of the entire Bay Area Congressional Delegation. Joining me as co-sponsors of this legislation are my distinguished colleagues ANNA ESHOO, NANCY PELOSI, GEORGE MILLER, LYNN WOOLSEY, ELLEN TAUSCHER, PETE STARK, MIKE THOMPSON, BARBARA LEE, MIKE HONDA, and ZOE LOFGREN.

H.R. 1953 will add three new areas to the GGNRA. These lands are critically situated between existing parkland and would connect national parklands with State parkland and San Mateo County parklands. Adding these lands to park areas in the City of Pacifica would help round out the uneven boundary along the Pacific coast and create a logical and appropriate entrance to the GGNRA for visitors from the south. The lands will also provide important regional trail links between the existing parklands, and would link the congressionally-mandated Bay Area Ridge Trail with the California Coastal Trail. The lands would also provide a wildlife corridor for the diverse array of wildlife that inhabit Montara Mountain.

Mr. Speaker, the largest parcel of land included in this bill is comprised of 4,262 acres, and it is known as the Rancho Corral de Tierra. This parcel shares three miles of boundary with the GGNRA as well as with a California state park and a San Mateo County park. Its relatively untouched upper elevations preserve habitat for several threatened and endangered plant and animal species. This property also contains four important coastal watersheds, which provide riparian corridors for steel head trout, coho salmon and other aquatic species.

When the owner of Rancho Corral de Tierra recently put this property on the market the Peninsula Open Space Trust (POST) negotiated to purchase the property. POST acquired the site for $29.75 million to save the site from development, to preserve this important natural area, and to donate, through private contributions, a substantial amount for the federal acquisition of Rancho Corral de Tierra.

Mr. Speaker, POST is a local land conservancy trust in the San Francisco Bay Area. It has a remarkable track record in working with and assisting the federal government with the protection of other important open space in the Bay Area. In 1994, POST negotiated acquisition of the Phleger Estate in Woodside and its inclusion in the GGNRA. This provided local residents some 1,300 acres of pristine second-growth redwood forest, and the area has become a primary hiking destination in the mid-Peninsula area. I introduced the legislation which added this important parcel to the GGNRA, and I worked closely with my neighbor and colleague, Congresswoman ANNA ESHOO, who took the lead in securing the federal funding of one-half of the purchase price. In this case, POST also provided one half of the purchase price through private donations. POST also assisted the federal government with the protection and acquisition of Bair Island, an important wildlife refuge in San Francisco Bay, which is now managed by the U.S. Fish and Wildlife Service. Congresswoman ESHOO played a key role in the Bair Island acquisition.

H.R. 1953 will also authorizes the National Park Service to include within its boundaries an additional 525 acres of land in the Devil's Slide section of Coastal Highway 1, which is the scenic highway that winds its way along the entire California coast. The Devil's Slide properties are also adjacent to the Rancho Corral de Tierra property. It is my understanding that the California Department of Transportation (Caltrans) will acquire these lands when it builds the Devil's Slide tunnel. This legislation includes the five properties which border the highway alignment that will be abandoned when the tunnel is completed. Since these properties will have no access once the Devil's Slide road is abandoned, Caltrans will purchase these properties from their current owners. It is my understanding that Caltrans will donate these properties to a state park agency for open space use. Caltrans will also relinquish the abandoned Highway 1 alignment to San Mateo County, which will transfer these properties to a park agency after the tunnel is completed.

I want to make something particularly clear, Mr. Speaker. It is not the intention of this legislation to give the federal government any responsibility for the acquisition of land or the construction or completion of the Devil's Slide tunnel. This legislation has nothing to do with the matter of the highway and tunnel construction. This legislation will simply make it possible for Caltrans to donate these properties to the National Park Service when the Devil's Slide tunnel is completed and when the National Park Service has determined the acquisition of these lands is appropriate.

Mr. Speaker, H.R. 1953 also includes within the GGNRA boundary the Caltrans-owned

Martini Creek-Devil's Slide Bypass right-of-way, which was originally purchased by Caltrans for the purpose of building a highway across Montara Mountain. When San Mateo County voters overwhelmingly decided in a local referendum in favor of the Devil's Slide tunnel rather than the Martini Creek Bypass in 1996, this right-of-way became obsolete. This property, which covers approximately 300 acres, bisects the proposed additions to the GGNRA and will provide important recreation access to the surrounding parklands. It is my understanding that once the GGNRA boundary is adjusted to include this right-of-way, Caltrans will be able to donate this property to the National Park Service.

Mr. Speaker, H.R. 1953 will also reauthorize the Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission for 20 years. The GGNRA and Point Reyes Advisory Commission was established by Congress in 1972 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice from members of the public on problems pertinent to the National Park Service Parks or sites in Marin, San Francisco, and San Mateo Counties. The Advisory Commission holds open and accessible public meetings monthly at which the public has an opportunity to comment on park-related issues.

The Advisory Commission is an invaluable resource for park management. It provides an important forum for the gathering and receipt of public input, public opinion and public comment and allows the park to maintain constructive and informal contacts with both the private sector and other federal, state and local public agencies. The Advisory Commission aids in strengthening the spirit of cooperation between the National Park Service and the public, encourages private cooperation with other public agencies, and assists in developing and ensuring that the park's general management plan is implemented.

As part of its regular monthly hearing process, the Advisory Commission will hold public hearings next month on this legislation in Half Moon Bay, California. Advisory Commission members will be hearing public comment on the boundary study for the ''Rancho Corral de Tierra GGNRA Boundary Adjustment Act of 2001'' which was produced by Peninsula Open Space Trust in consultation with the National Park Service. All Advisory Commission meetings are open to the public and an official transcript of each meeting is on record and available to the public. The activities and contributions of the Advisory Commission are critical to the efficient operation and management of the two adjoining national park units of Point Reyes National Seashore and the Golden Gate National Recreation Area.

Mr. Speaker, preserving our country's unique natural areas must be one of our highest national priorities, and it is one of my highest priorities as a Member of Congress. We must preserve and protect these areas for our children and grandchildren today or they will be lost forever. Adding these new lands in San Mateo County to the GGNRA will allow us to protect these fragile areas from development or other inappropriate use which would destroy the scenic beauty and natural character of this key part of the Bay Area. I urge my colleagues to take advantage of this unique opportunity to preserve these important lands for addition to our national parks. I ask my colleagues to support passage of H.R. 1953, the ''Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act of 2001''.

HONORING WORLD WAR II VETERAN HAROLD EMICK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. McINNIS. Mr. Speaker, I am extremely proud to rise today to honor a very special man—World War II Veteran Harold Emick, a resident of Olathe, Colorado. Harold spent three years in the Army, fighting the Germans in Europe. Because of what Harold saw and what he went through in WWII, I would like to thank him for his bravery and courage on behalf of this Congress.

Harold joined the Army in 1943 at the age of 18. In December of 1944 Harold was assigned to the Army's 70th Infantry Division under General Alexander Patch. The 7th Army traveled north through a wintry France. ''They Killed us, we killed them. In the end, we won because we killed more of them,'' Harold said. Harold's first battle was at a farmhouse near Nancy, France. ''It was about 3 o'clock in the morning when the German Panzer tank opened up on our sleeping platoon at point-blank range. There was death and chaos everywhere, and when it was finally over, those of us who had survived had gone from green kids in uniform to soldiers.''

The 70th Infantry Division fought its way through more death and according to Harold, it grew more personal, as the division lost men to snipers, land mines and armed women and children. In May of 1945 after the Germans had surrendered, Harold's unit was sent back to the States to prepare for the possible invasion of Japan. After the war had ended Harold left the military and attended the University of Tennessee where he received his degree in engineering and business.

Harold spent 38 years with the Burough Corporation in a number of positions until he retired in 1983. He then moved to the Uncompahgre Plateau about 17 miles outside of Olathe. Harold received the World War II Victory Medal, the American Service Medal, and the European African Middle Eastern Service Medal with bronze stars for the Rhineland, Central Europe and Ardennes campaign. The 70th Infantry Division earned the Presidential Citation with two stars for its valor.

Mr. Speaker, it is with great appreciation that I ask Congress to recognize and honor Harold Emick for all that he did for this country in World War II. Harold was just a boy when he was thrust into battle, but his bravery and the bravery of those who fought and died for this country will forever be etched in our minds.

THE ILSA RENEWAL ACT OF 2001—H.R. 1954

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GILMAN. Mr. Speaker, I rise to note that earlier today I introduced H.R. 1954, the ILSA Extension Act of 2001, which will extend the provisions of the Iran-Libya Sanctions Act for an additional five years.

I have introduced the bill together with my colleague, the gentleman from California, Mr. HOWARD BERMAN as the lead cosponsor, and with nearly 200 additional original cosponsors.

Among those original cosponsors are members of the House leadership on both sides of the aisle, including, notably, our Majority Leader, DICK ARMEY, DEBORAH PRYCE, CHRIS COX, ROY BLUNT, and Committee Chairmen, PORTER GOSS, SHERRY BOEHLERT, JIM SAXTON, CHRIS SMITH, and DON YOUNG. On the other side of the aisle we have leaders such as MARTIN FROST and BOB MENENDEZ, the Chairman and Vice Chairman of the Democratic Caucus, TOM LANTOS, the ranking Democrat on our House International Relations Committee, and GARY ACKERMAN, the ranking Member on our Middle East Subcommittee.

We are advocating that ILSA remain in effect for another five years because Iran continues to threaten the national security of the United States, as President Bush certified to Congress in March. Although Libyans stand convicted of killing Americans, British, and others by bringing down Pan Am Flight 103, the Libyan government has failed to take responsibility for its actions in this matter, as required by the U.N. Security Council. Without ILSA these countries would be more dangerous still.

It was the intent of the supporters of the Iran-Libya Sanctions Act, five years ago, that either Iran would change its behavior so that it would gain access to investments from around the world or that, absent a change in behavior, it would be hampered in its efforts to promote terror and obtain weapons of mass destruction. It is regrettable that Iranian behavior has not changed for the better.

In fact, it seems to be getting worse—in its training of terrorists, in its production of chemical and biological weapons and the production of long range missiles. But that is no reason to give up our struggle to deprive Iran of the means to use violence to achieve its aims. There is ample evidence that ILSA has delayed exploitation of Iran's energy resources and made their development more difficult and more expensive. And that is exactly what the Iran Libya Sanctions Extension Act will continue to do.

In Iran we are confronted with a regime whose national security aims include the destruction of the State of Israel and a desire to threaten the United States. So it is left to us to do what the Iranian people cannot do for themselves, which is to contain the existing regime as best we can. And that is all that our legislation does.

ILSA does not affect any of our American companies. It is aimed solely at foreign companies which take advantage of our executive-order ban on investment in Iran or Libya.

It even provides that it would not have any further effect if Iran and Libya conform to acceptable standards of behavior for members of

the world community. But they have not done so thus far.

Our Subcommittee on the Middle East and South Asia received testimony on May 9 about the impact of ILSA. We believe, based on that testimony and on other information we have received over the years, that ILSA has been effective in slowing down investment in Iran. It has helped to slow Iran's development of the means to threaten the United States and its friends. Iran, however, has been taking actions that threaten the United States. To prevent Iran from doing further harm, we are asking our colleagues in the Congress to renew ILSA.

Mr. Speaker, for the convenience of our colleagues, I am inserting into the RECORD a copy of the bill and a list of its original cosponsors.

H.R. 1954

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 ''ILSA Extension Act of 2001''.

SEC. 2. EXTENSION OF IRAN AND LIBYA SANCTIONS ACT OF 1996.

Section 13(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; Public Law 104–172) is amended by striking ''5 years'' and inserting ''10 years''.

ILSA CO-SPONSORS

Benjamin A. Gilman, Howard L. Berman, Dick Armey, Tom Lantos, Deborah Pryce, Gary L. Ackerman, Christopher Cox, Henry A. Waxman, Robert B. Aderholt, Robert E. Andrews, Joe Baca, Brian Baird, Richard H. Baker, Tammy Baldwin, Charles Bass, Xavier Becerra, Ken Bentsen, Shelly Berkeley, Sherwood L. Boehlert, Judy Biggert, Michael Bilirakis, Rod R. Blagojevich, Roy Blunt, Henry Bonilla, Mary Bono, Robert A. Borski, Allen Boyd, Sherrod Brown, Ed Bryant, Dan Burton, Steve Buyer, Sonny Callahan, Eric Cantor, Lois Capps, Brad Carson, Michael E. Capuano, Benjamin L. Cardin, Howard Coble, Gary A. Condit, Jerry F. Costello, Ander Crenshaw.

Joseph Crowley, Jim Davis, Jo Ann Davis, Susan A. Davis, Tom Davis, Diana DeGette, Peter Deutsch, Lincoln Diaz-Balart, John T. Doolittle, Michael F. Doyle, Vernon Ehlers, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Lane Evans, Mike Ferguson, Jeff Flake, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Greg Ganske, Elton Gallegly, George W. Gekas, Wayne T. Gilchrest, Paul E. Gillmor, Charles A. Gonzales, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Felix J. Grucci, Jr., Luis V. Gutierrez, Alcee L. Hastings, Jane Harman, Melissa A. Hart, Robin Hayes, J.D. Hayworth, Van Hillery, Joseph M. Hoeffel.

Rush D. Holt, Michael M. Honda, Stephen Horn, Steny H. Hoyer, Duncan Hunter, Asa Hutchinson, Steve Israel, Darrel E. Issa, Sue W. Kelly, Patrick J. Kennedy, Peter T. King, Jack Kingston, Mark Steven Kirk, Joe Knollenberg, James R. Langevin, Nick Lampson, John B. Larson, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, John Lewis, William O. Lipinski, Frank A. LoBiondo, Nita M. Lowey, Carolyn McCarthy, Karen McCarthy, Jim McCrery, James P. McGovern, Scott McInnis, Howard P. ''Buck'' McKeon, Michael R. McNulty, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Robert T. Matsui, Gregory W. Meeks, Robert Menendez, John L. Mica, Juanita Millender-McDonald, Dan Miller, George Miller.

Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Anne M. Northup, Charlie Norwood, Doug Ose, C.L. ''Butch'' Otter, Major R. Owens, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Nancy Pelosi, David D. Phelps, Joseph R. Pitts, Todd Russell Platts, Adam H. Putnam, Jim Ramstad, Dennis R. Rehberg, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Dana Rohrabacher, Mike Rogers, Ileana Ros-Lehtinen, Steven R. Rothman, Marge Roukema, Jim Ryun, Martin Olav Sabo, Max Sandlin, Jim Saxton, Joe Scarborough, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, Pete Sessions, E. Clay, Shaw, Jr., John B. Shadegg, Brad Sherman, Ronnie Shows, Rob Simmons, Ike Skelton, Louise McIntosh Slaughter, Christopher H. Smith.

Hilda L. Solis, Mark E. Souder, Floyd Spence, Cliff Stearns, Bob Stump, Bart Stupak, John E. Sweeney, John S. Tanner, Ellen O. Tauscher, W.J. (Bill) Tauzin, Lee Terry, Mike Thompson, Karen L. Thurman, Patrick J. Tiberi, Tom Udall, Robert A. Underwood, Peter J. Visclosky, David Vitter, Zach Wamp, Anthony D. Weiner, Dave Weldon, Curt Weldon, Jerry Weller, Robert Wexler, Roger F. Wicker, Lynn C. Woolsey, David Wu, Don Young.

HONORING PRISCILLA DONER REETZ OF BREWSTER, MASSACHUSETTS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. DELAHUNT. Mr. Speaker, on Saturday, May 12, family and friends gathered at the Museum of Natural History on Cape Cod to celebrate the memory of our colleague, Priscilla Reetz.

For 10 years in our Hyannis office—with Representative Studds, then Representative DELAHUNT, she worked each day to help people in need across the cape and islands, with a heart of gold and joyousness to spare. Actress, entrepreneur, novelist, kayaker—Priscilla touched countless lives, including ours, with irresistible zest.

We are deeply saddened by her death, and will miss her dearly. Our thoughts and prayers are with her four children and seven grandchildren.

It is with respect and admiration for this remarkable friend and coworker that I commend to you the obituary for Ms. Reetz that appeared in the Cape Cod Times on Thursday, May 10, 2001:

PRISCILLA DONER REETZ, 72

CASEWORKER FOR REP. STUDDS, DELAHUNT; STORYTELLER; KAYAKER

BREWSTER.—Priscilla Doner Reetz, 72, a resident of Brewster, died unexpectedly Monday in Brewster.

She was the wife of the late Donald Reetz for 25 years.

Mrs. Reetz was born in Watertown, N.Y., and received an associate's degree from Rochester Institute of Technology. She raised her family in Rochester, N.Y., and in the Finger Lakes region. At age 49, she began a career as a commercial actress in the Boston area.

She moved to Brewster in 1982. She was the proprietor of a small antiques business, and was a fixture behind the counter at the Brewster General Store for many years. She was a storyteller at the Brewster Ladies Library and the Brewster Book Store.

Mrs. Reetz was a caseworker in the Hyannis office of U.S. Rep. Gerry Studds, and later Bill Delahunt, for nearly 10 years.

''Priscilla loved her work because she got so much satisfaction from helping people in need,'' Delahunt said. ''From working with the disabled to those in need of housing, she moved mountains every day for countless Cape Codders.''

Mrs. Reetz was very interested in Chinese and American history. She was at work on a collection of poetry for children and a novel at the time of her death.

She was an avid kayaker and loved kayaking on the bays and creeks of the Cape. She also hiked frequently with the Appalachian Mountain Club.

She is survived by three sons, David Reetz of Santa Cruz, Calif., Garin Reetz of Dallas, Texas, and Allan Reetz of Meriden, N.H.; a daughter, Sarah Reetz of New York, N.Y.; and seven grandchildren.

A memorial service will be held at 5:15 p.m. Saturday at the Cape Cod Museum of Natural History, Route 6A, Brewster.

Memorial donations may be made to the Cape Cod Museum of Natural History, Route 6A, Brewster, MA 02631; or to Safe Harbor, c/o Community Action Committee of the Cape and Islands, P.O. Box 954, Hyannis, MA 02601.

IN HONOR OF JOAN RIVERS ON THE OCCASION OF HER BEING NAMED A WOMAN OF THE YEAR BY THE USO OF METROPOLITAN NEW YORK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Ms. Joan Rivers, a distinguished resident of the 14th Congressional District which I represent and an internationally renowned entertainer, who will be honored by the USO of Metropolitan New York tomorrow at its Women of the Year Luncheon.

The USO is currently in its sixtieth year of existence, dedicated to improving the morale and welfare of our uniformed military personnel. For more than half a century, the USO has been providing a ''touch of home'' to our men and women in uniform overseas.

The USO Woman of the Year award has been given to an impressive list of past honorees including such luminaries as Barbara Bush, Lady Bird Johnson, and Mamie Eisenhower. One of the greatest entertainers of our time, and a highly successful author and businesswoman, Ms. Rivers is a fitting choice for this distinguished honor.

Joan Rivers is currently acclaimed for her witty and engaging commentary on E! Entertainment Television's Fashion Reviews and E!'s live pre-shows for the Academy Awards. Her signature question, ''Can we talk?'' has become so well known that the United States government agreed to register it as a federal trademark.

An accomplished comedienne, Ms. Rivers worked her way up through small clubs and lounges, where she often relief on tips in lieu of a salary, to the international celebrity she has reached today. In 1983, ''The Tonight Show'' with Johnny Carson broke tradition to

name Ms. Rivers its sole permanent guest hostess.

A prolific writer, John Rivers has authored nine books, and for three years wrote a thrice-weekly syndicated column for the ''Chicago Tribune.'' Joan Rivers' volumes have been invariably successful; her first book alone sold over four million copies. Ms. Rivers' 1986 autobiography reached number four on the ''New York Times'' bestseller list in only two weeks. The sequel, Still Talking, published in 1991, was a Book-of-the-Month selection.

Mindful of her incredible success, Joan Rivers has been a role model in her charitable deeds. Ms. Rivers played the voice of the Honest Boy's Mother for an audio version of The Emperor's New Clothes benefiting the Starbright Foundation. In 1982, Ms. Rivers was the first celebrity to call attention to the impending AIDS crisis when she hosted and headlined the first AIDS benefit. Along with many other contributions, Ms. Rivers has also participated in the ''Comic Relief'' fund-raiser to end homelessness.

I am delighted that the USO has chosen to honor Joan Rivers. I ask my fellow members of Congress to do likewise by joining me in tribute to this truly outstanding woman.

HONORING CAPTAIN KENT ROMINGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Del Norte's Kent V. Rominger for his induction into the Colorado Aviation Hall of Fame at the Air Force Academy in Colorado Springs. The 44-year-old Colorado native is one of those lucky few that has had the privilege of traveling into the final frontier. I would like to thank him for all that he has done for the space program and to congratulate him on his introduction into the Hall of Fame.

Captain Rominger has served in the U.S. Navy since receiving his commission through the Aviation Reserve Officer Candidate Program in 1979. His Naval service included assignments with the Fighter Squadron Two aboard the USS Ranger and the USS Kitty Hawk and Fighter Squadron Two Hundred Eleven aboard the USS Nimitz. Kent is now a NASA Astronaut and Shuttle Commander. He is the first to have commanded two shuttle dockings with the International Space Station Alpha. He holds the record for the most earth orbits and the most time in space.

Kent has traveled into space five times and has logged over 1,500 hours in space. He has piloted the STS–73 in 1995, the STS–80 in 1996 and the STS–85 in 1997 and has served as crew commander twice, on the STS–96 in 1999 and STS–100 this year. His last mission, the STS–100 on the Space Shuttle Endeavour was on April 19. The mission involved installing the Space Stations robotic arm.

Mr. Speaker, Captain Kent Rominger is an American Hero. Many kids grow up dreaming that they will one day be an astronaut, Kent is living that dream. I would like Congress to join me in congratulating Kent on his achievements and wish him good luck on future missions to space.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 22, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. UDALL of New Mexico. Mr. Chairman, Dr. James E. Shanley, President, American Indian Higher Education Consortium, urges us to support an amendment to the Elementary and Secondary Education Act (ESEA).

AMERICAN INDIAN
HIGHER EDUCATION CONSORTIUM,
Alexandria, VA, May 16, 2001.

Hon. JOHN A. BOEHNER,
Chairman, Education and the Workforce Committee, House of Representatives, Washington, DC.

Hon. GEORGE MILLER,
Ranking Member, Education and the Workforce Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN BOEHNER AND RANKING MEMBER MILLER: On behalf of the 32 Tribal Colleges and Universities, I am writing to request your support for an amendment that is being proposed in the Senate to the Elementary and Secondary Education Act (ESEA), S. 1. The amendment addresses a serious matter involving two tribally-controlled postsecondary vocational institutions, United Tribes Technical College (UTTC) and Crownpoint Institute of Technology (CIT).

It is our understanding that the House of Representative's ESEA reauthorization bill has already been reported from your committee, and consequently a similar amendment may not be offered. Therefore, we ask that consideration be given to rectifying this serious issue either through an amendment on the House Floor or during any Conference session that occurs with the Senate on the ESEA reauthorization bill.

CIT and UTTC were founded to provide much needed vocational education opportunities to the American Indian students in their respective tribal communities. Because these two institutions are not eligible to receive funding under the Tribally Controlled College or University Assistance Act and are vocational in nature, Section 117 of the Carl Perkins Act was created in 1990, to offer them a source of core operational support and is key to their existence.

The proposed Senate amendment (numbered 426) reaffirms the original intent of section 117, to provide institutional support for these two tribally controlled vocation institutions. While increased funding for Indian vocational education programs is greatly needed, section 117 is not the appropriate vehicle to address this funding disparity.

AIHEC directly advocated for the creation of section 117 and herein state our intent to do everything possible to continue to protect its original purpose.

Thank you for your attention and consideration of this serious issue. We look forward to working with you on this and other issues that impact our tribal colleges.

DR. JAMES E. SHANLEY,
President, AIHEC Board of Directors and Fort Peck Community College, Poplar, MT.

IN HONOR OF CONGRESSMAN RALPH REGULA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor my distinguished colleague in the Ohio Congressional Delegation, Congressman RALPH REGULA for dedicating more than 45 years in public service.

Congressman REGULA started his distinguished public career early in life as an Ohio State Representative in 1964 and then State Senator. He moved on to serve as a member of the United States House of Representative where he now serves as the Subcommittee Chairman of the House Appropriations Committee.

Before entering public life, Rep. REGULA served as a school teacher and principal with Stark County schools and later served on the Ohio Board of Education. Rep. REGULA recognizes the value of a good education and continues to support education on the federal level as the chairman of the Appropriations Subcommittee for the Departments of Labor, Health and Human Services and Education. He has received many honors for his work in education such as the Stark State College of Technology Founder Award and is a trustee at Mount Union College. He has recently been inducted into the Ohio Federation of Independent Colleges Hall of Excellence.

Rep. REGULA has also been dedicated to advocating on behalf of the elderly as Co-Chair of the Older Americans Caucus. In 1994 he was recognized by the Administration on Aging as the first recipient of the Older Americans Month Congressional Award for his work such as extending flu shot coverage under Medicare and authoring legislation to provide coverage for preventative services to the elderly.

Rep. REGULA has been a friend and a colleague for many years. I have tremendous respect for him as a legislator. It gives me great pleasure to publicly recognize the achievements of Rep. REGULA.

CELEBRATING THE 75TH ANNIVERSARY OF CHARLES H. MILBY HIGH SCHOOL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today to celebrate the 75th Anniversary of Milby High School. This is a school in East End Houston named after Charles H. Milby who was an important advocate for the creation of the Houston Ship Channel.

Charles H. Milby was born in Indianola, Texas on August 29, 1852, the seventh and youngest child of William P. and Mary Y. Milby. Charles' father was a member of the Texas Congress from 1842 to 1844. Throughout his life, Charles H. Milby was always concerned about improving the economy and welfare of his community. He served as a member of the original committee that presented the U.S. Federal Government with the idea of

a deep-water port for Houston. Mr. Milby died on July 1925 and in 1926, Charles H. Milby High School was named in honor of his many contributions to the East End area.

In 1926, Milby High School opened its doors with 212 students and 13 teachers. Today Milby High School has over 3,000 students and is considered the oldest and largest school in the Houston Independent School District. With its proud colors of blue and gold, and its mascot of the fighting buffalo, Milby High School has educated hundreds of alumni veterans who fought in World War II, Vietnam, and the Korean War.

Today, Milby is known for their legendary basketball coach, Boyce Honea, class of 1959. He has been with the school for nearly 25 years, has won many district championships, and 9 victories in the annual 32-team J. C. Tournament. Their school spirit is also evident in their cheerleading squad which participates in yearly competitions and is sponsored by two national cheerleading companies. Most notable, however is Milby's Science and Engineering Magnet Program which attracts many students each year from all over Houston.

Mr. Speaker, in celebration of Milby's 75th Anniversary, there will be a 21-gun salute for the veterans and former students who died in World War II, the Korean War, and the Vietnam War, on June 2 at 1601 Broadway. A 4-foot-by-16-foot granite memorial wall will be donated in their honor by the Milby Anniversary Alumni Association.

Mr. Speaker, I am proud to congratulate Milby High School on its 75th Anniversary. I would also ask that my colleagues in the House join me in congratulating the dedicated teachers, administrators, some of whom are alumni, parents and students for 75 years of work and dedication to the East End and our Houston community.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. LEVIN. Mr. Speaker, I was unavoidably absent on Monday and missed rollcall votes No. 126 and 127. Had I been here I would have voted ''yea'' on both rollcall 126 and 127.

A TRIBUTE TO ALVIN M. PETERSEN: THE INSPIRATION BEHIND CAMPUS MINISTRY AT THE UNIVERSITY OF NEBRASKA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. FILNER. Mr. Speaker, today I want to pay tribute to Pastor Alvin M. Petersen and to the legacy he built: the Lutheran Student Center at the University of Nebraska, Lincoln (UNL).

Even though the University of Nebraska is not in my Congressional District and even though it is a long way from California, I want to honor Pastor Petersen, because he is the father of my Senior Legislative Assistant, a woman who has worked on my staff for almost twenty years.

This coming June 9th and 10th, a celebration will be held in Lincoln, Nebraska to commemorate the 50th birthday of the Lutheran Student Center and the work of ''Pastor Pete'', as he has been called for decades by the university students. Also honored are his wife, Edel, also known as ''Mom Pete'', who was an integral part of the Center, and the three subsequent pastors: Bruce Berggren, Roger Sasse, and the current pastor, Larry Meyer, who completed his seminary internship serving under Pastor Pete.

The Lutheran Campus Ministry at UNL was begun, with Pastor Pete at the helm, in 1940. Through his diligent efforts, money was raised to build the current building, which opened in 1951, in the center of the UNL campus. In 1958, a chapel was added to the original structure, and Mom Pete lovingly wove banners that still hang over the altar.

The Lutheran Student Center provides worship services, a place for students to belong and to matter in a large university setting, and a training ground for future pastors. The Center has the largest Evangelical Lutheran Church of American (ELCA) worshipping community on any state university campus in the nation.

The Sunday morning worship services and mid-week Vespers are at the heart of the ministry. Bible study, counseling, participation in the choir, fun and fellowship with movie nights, the spring break ski trip, retreats, volleyball and softball are all available to students.

In the past five years, an extensive renovation project was undertaken to bring the building into the 21st century. After $400,000 was raised by Pastor Meyer, the current minister, so that there would be no debt, the Center has been updated, remodeled, and made completely accessible with the addition of an elevator. A new Outreach Program at Southeast Community College in Lincoln has begun, so that students at this community college also feel they are part of a campus ministry program.

The building—the Lutheran Student Center—is the symbol and the physical setting for a ministry that cannot be measured in words. Many a lonesome freshman has found friendships at the Center. Many students with counseling needs, or doubts, or problems have found help at the Center. Many couples have met and married at the Center. Many a faith has been strengthened through worship at the Center.

I am honored to pay tribute to the Lutheran Student Center and to a lifetime of work and love and concern by Pastor Pete—Pastor Alvin Petersen. One person truly can make a difference in this world!

IN HONOR OF REV. FR. DENNIS R. O'GRADY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KUCINICH. Mr. Speaker, today I rise to honor Rev. Fr. Dennis R. O'Grady on the 40th Anniversary of his Ordination as Priest, and also on his 20th Anniversary as Pastor of St. Michael's Church in Cleveland, Ohio.

Rev. O'Grady began his distinguished and proud career shortly after his Ordination on May 20, 1961. In June of that same year he became the Assistant at St. Vincent Parish in Akron, Ohio where he spent five years before becoming Assistant at St. Michael's in June of 1966. Rev. O'Grady's honored service to the community continued by becoming a Member of the Diocesan Pastoral Team For the Spanish-speaking and serving in the Hispanic Ministry as Associate Pastor at Blessed Sacrament Parish in Cleveland, Ohio. Throughout his forty years of service, Rev. O'Grady has accomplished great feats within his religion. His tremendous faith and giving nature has brought hope and joy to the lives of thousands.

Mr. Speaker, Rev. O'Grady represents the very best of Cleveland, and his outstanding service to mankind deserves the highest of praise.

I ask my distinguished colleagues to join in rising to celebrate the incredible accomplishments of Rev. O'Grady, and honor his forty years of service to his church, his faith, and the community.

''HONORING COUNCILMAN GENE 'IGGY' GARISON''

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor Pasadena City Councilman Gene ''Iggy'' Garison and to thank him for his distinguished service. Councilman Garison was first elected to the Pasadena City Council in 1993, served as Mayor Pro Tem from 1996 to 1997 and is currently serving his fourth two-year term. He is a dedicated and committed public servant, and his constituents are fortunate to have him as their representative.

Councilman Garison was born in 1942 and has lived in Pasadena for nearly 30 years. Despite recent health problems, he continues to be a driving force in Pasadena. He has touched the lives of so many people and has made numerous civic contributions, As a small gesture of the communities appreciation, the San Jacinto Day Foundation recently decided that the city's annual Strawberry Festival would be dedicated to Iggy Garison.

As a member of the City Council, Garison has been responsible for many improvements in Pasadena, His accomplishments include the revitalization of North Pasadena, the Capitan Theatre and the Corrigan Center, During his tenure, he has worked hard to reduce crime and to improve the city's infrastructure, particularly streets, sidewalks and sewer lines. Councilman Garison has also promoted the demolition of abandoned and deteriorated structures and continues his efforts to reduce flooding.

Iggy Garison has always welcomed opportunities to be of service to his country and his community. He served in the United States Air Force and the Air National Guard. He was a valuable member of the Pasadena Police Department. He was a distinguished volunteer firefighter. And he was an investigator for Constable George Larkin.

Councilman Garison is a member of the Houston Fire Museum board, the San Jacinto Foundation, the American Legion, the Elks Lodge, the National Guard Association, the

Harris County Mayor and Council Association, the National League of Cities, the Texas Municipal League, the Association of Federal, State and Municipal Employees Local 1550, and the 100 Club.

Mr. Speaker, on behalf of the citizens of Pasadena, I would like to thank Gene ''Iggy'' Garison, as well as his wife, Susie; his son, John, his stepdaughter, Tammy; his stepson, Sam; and his grandson, Tyler for their dedication, service and commitment to the City of Pasadena. I ask my colleagues to join me in honoring this distinguished man.

HONORING THE BAYSIDE JEWISH CENTER'S 75TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to ask all my colleagues to join me in honoring the Bayside Jewish Center on the occasion of its 75th Anniversary.

It was in late 1926 that a small number of Jewish residents in the Bayside West community of Queens, NY, began to meet in a store on 32nd Avenue near 201st Street, made available by Isaac Muss, father of past Honorary President Charles J. Muss. Around the same time, a group of Jewish residents in the central Bayside area rented a loft and began to meet on the third floor above some stores on Bell Boulevard.

During the next seven years, the activities and participation grew steadily. In 1934, Rabbi Ariol Hyams became the spiritual leader of the Bayside West Jewish Center. Because interest had increased substantially, the space available to the members was no longer sufficient. Thus, they joined together with the group at the Center on Bell Boulevard to found and incorporate the Bayside Jewish Center. This was 1935.

It was not until 1960, after many trials and tribulations in respect to finding a permanent place for the center, when the traditional and formal dedication of the new Bayside Jewish Center building was held. Immediately following the dedication of the facility, the Bayside Jewish Center became the main center of community service, a veritable beehive of activity.

Many great personalities have attended meetings and functions at the Center including President Jimmy Carter, Vice President Hubert Humphrey, Senator Jacob Javitz, Senator Wayne Morse, Mayor John Lindsay, Mayor Robert Wagner, numerous Members of the House of Representatives, First Lady Eleanor Roosevelt, Cantor Moshe Kousavitsky and President Norman Lamm of Yeshiva University.

The Center supported many well known causes such as the United Jewish Appeal, Bonds for Israel, Yeshiva University, and other worthy institutions. The Center was the founder of several local organizations as well, such as the Clergy Club of Bayside and the Council of Churches and Synagogues.

One of the great accomplishments of the Bayside Jewish Center was the founding of the Etz Chayim Youth Organization. This organization has brought together over two hundred teenagers to hold their Sabbath Services in the Junior Ballroom of the Center, followed by lunches on each Sabbath or holiday. Etz Chayim can also take credit for weekend Shabbatons, sponsored by Yeshiva University on an annual basis and attended by over three hundred young people from many communities throughout the United States, which have become well-established events. To this day, hundreds of its members are active leaders of many synagogues and Jewish organizations throughout the world.

Mr. Speaker, I ask all my colleagues to join me in honoring the 75th Anniversary of the Bayside Jewish Center and all of the people whose lives it has touched.

HONORING THE LATE COL. JAMES NEIL HICKOK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. MCINNIS. Mr. Speaker, I stand before you today to honor the memory of one of Western Colorado's leading citizens, Colonel James Neil Hickok. James was an active member of the community and was a member of the ''Great Generation''. He passed away on March 19, 2001 after a long 13-year battle with cancer. Everyone that knew him will truly miss him.

Neil was born in October of 1919 in Chicago Illinois. Neil joined the US Army when he was 16. His first assignment was to protect railroads and missionaries in China. After his tour he returned home to graduate from high school. He received degrees in Military Science from the University of Maryland and degrees in Anthropology and Geology from the University of Colorado. James re-entered the Army at the start of World War II and served in the Pacific Theatre. Neil also served in the Korean War and had three tours of duty in Vietnam.

Neil was a devoted family man. He loved his wife Carol, his son James and daughters Sharron and Dorothy. He also loved his home, which over looks the south fork of the South Platte River. His family said he had a wonderful sense of humor and genuine care for others. Neil served as the chairman of the Park County Republican Party for many years and helped Lake George get their park, library, community center and emergency medical service.

Mr. Speaker, a great friend, father and hero has left us, but his memory will always be with us. I'm asking Congress to pause a moment in remembrance of Col. James Neil Hickok and thank him for all that he has done for his family, community and country.

SCHOOL SAFETY

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. DEFAZIO. Mr. Speaker, we've spent the day on a very important issue, our children's education. But, the whole picture is not complete. How about the kids who are not prepared for school or are disruptive in class. The kids that, at least, have run-ins with authorities and drop out of school, at most, end up committing violent crimes, sometimes against their own classmates.

The safety of our schools continues to be a major concern as evidenced by a CNN/USA Today/Gallup poll in which 43 percent of parents said they fear for their child's safety at school. One in three parents believes that it is ''very likely'' that a Columbine-type shooting could happen in their community. While the number of children hurt by violent crime has declined significantly in the last six years, we can't escape the reality of the shootings at Thurston High, Columbine and most recently in Santee, California.

As many of my colleagues know, following the tragic shootings at Thurston High School, I introduced legislation to help combat the growing problem of youth violence in America. The Youth Violence Prevention Package is based on needs identified by my community and is designed to prevent youth from turning to violence by providing adequate crisis intervention and support services.

After a decade of record economic growth and decreasing crime rates, America has the opportunity to invest aggressively in proven violence prevention and youth development activities to ensure that children and families are able to thrive. Targeted investment in prevention efforts that give children and families what they need to stay on track works.

That's why I'm so disappointed by the priorities set by President Bush and Congress in the budget blueprint.

—The Bush budget abandons a commitment made in past budgets to give one million children access to Head Start by fiscal year 2002. Under the Administration's own estimates, the Head Start program will fall 84,000 students short of that goal. The Bush budget actually results in the elimination of Head Start services for 2,500 children.

—In addition, the Bush budget reduces resources for existing Child Care and Development Block Grant projects by $200 million.

Specifically, my legislation would increase the authorization for Head Start programs to $11.5 billion. And, it would create a national child care provider scholarship program to further the goals, of child care provider recruitment, training, credentialing, and retention.

—The Bush budget cuts grants to help states investigate and prevent child abuse and neglect by $16 million—a 47% reduction. Furthermore, most other child welfare service programs are frozen at the fiscal year 2001 level.

—Also, general juvenile justice and delinquency prevention grants are cut by $44 million, gang-free schools and communities grants by $6 million, mentoring grants by $7 million, incentive grants for local delinquency prevention by $25 million and drug reduction grants by $12 million.

On the other hand, legislation I've introduced would increase authorization for Community Based Family Resources and Support Programs, like Relief Nurseries, by $44 million. In addition, it would increase the authorization for Title V incentive grants for local delinquency programs—like, parent assistance, antitruancy, and court schools.

Providing parents with the skills and treatment they need to be better parents is critical. A comprehensive prevention approach that looks at the entire family and identifies the specific needs of the child within that family

can reduce the incidence of aggressive and risky behavior that often leads to delinquency. In 1998, there were approximately 1 million confirmed cases of child abuse or neglect. Research indicates that children who experience some form of violence in their homes are more likely to behave violently throughout adolescence and into adulthood. Any comprehensive approach to curb juvenile delinquency and promote positive youth development must consider the impact of domestic violence, abuse, and neglect on a child's development and respond to the interplay between these factors.

—The Bush budget slashes discretionary spending on state and local law enforcement assistance by $1 billion. Specifically, funding of the Edward Byrne Memorial state and local law enforcement program is reduced.

My package includes legislation that would expand discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program by $31 million. Contrary to popular perception, the vast majority of children involved in the juvenile justice system are non-violent offenders. Less than 10 percent of young people who come in contact with the juvenile justice system are serious, habitual, violent offenders. The challenge with all juvenile offenders—both violent and non-violent—is to determine what leads children to make bad choices, to identify those children at high risk for serious delinquent or risky behavior, and to provide appropriate interventions. A 1998 study suggests that the lifetime cost associated with a child who drops out of high school and enters the criminal justice system can reach $1.5 million.

The Bush budget freezes funds for the 21st Century Community Learning Centers after school program at the fiscal year 2002 level.

Furthermore, the Bush budget eliminates a $60 million grant program to the Boys and Girls Clubs of America to operate clubhouses in public housing projects and high-crime areas in cooperation with local police.

My legislation would also expand after school crime prevention programs by providing matching grant funds to private and public programs involved in effective after school juvenile crime prevention. According to the U.S. Census Bureau, nearly 7 million children are left home alone after school each week. It has been well-documented that after school programs help to curb delinquent behavior when it most frequently occurs—between the hours of 3 p.m and 6 p.m. However, these programs do more than just make communities safer, they also help to ensure positive youth development. Youths who participate in after-school and youth development programs are less likely to use drugs, drink alcohol, or become sexually active, and are more likely to have stronger interpersonal skills, higher academic achievement, and healthier relationships with others. Quality after-school programs also have a lasting impact on children's attitudes, values, and skills.

My Youth Violence Prevention Package is designed to prevent youth from turning to violence by supporting prevention efforts, crisis intervention and support services and limiting opportunities for troubled kids to obtain firearms. I ask my colleagues to support this legislative package and to continue efforts to provide needed funds for these critical programs.

We all must work together to protect children and ensure their healthy development.

IN HONOR OF UNITED SERVICE ORGANIZATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the United Service Organization for 60 years of service to be celebrated on May 19, 2001 at the USO Military Ball.

The USO, created in 1941 as a merger among six private organizations, began serving to handle the on-leave recreation needs for the members of the Armed Forces. By 1944, USOs were found in over 3,000 locations nationwide. Early on, the entertainment industry supported the USO in beginning the ''Camp Shows'' with the entertainers waiving pay and working conditions to bring live entertainment to the troops at US bases in America.

After WWII, the USO also provided entertainment for service men and women internationally, opening up service in North Korea, Vietnam and Thailand. During the 1970s, outreach programs increased as did the number of military families worldwide. Since this time, the USO was signed into law as a United States Charter.

Most recently, the USO has provided services in Saudi Arabia, Dubai, Bahrain, Somalia, Bosnia and Hungary. The USO's commitment to be a link to our service men and women continues world wide with the same determination and dedication which first created this organization. My dear colleagues, please join me in celebrating the 60th Anniversary of the United Service Organization.

RECOGNIZING PRESIDENT CHEN SHUI-BIAN'S SUCCESSFUL FIRST YEAR

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. SCARBOROUGH. Mr. Speaker, little more than one year ago, Mr. Chen Shui-bian became the tenth President of the Republic of China. During the first twelve months of President Chen's administration, he sustained the hallmark political and economic reforms that position Taiwan among the most democratic and prosperous places in Asia.

President Chen demonstrated sincerity when seeking meaningful dialogues with his counterparts in the People's Republic of China, and worked hard to maintain peace and stability in the Taiwan Strait. Today, President Chen hopes to improve Taiwan's situation within the global community, and I support his efforts. In the end, his persistence will yield great rewards.

For these reasons, Mr. Speaker, I sincerely congratulate President Chen Shui-bian on a successful first year. As we look forward to an even brighter future, I encourage him to keep up the good work.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. ABERCROMBIE. Mr. Speaker, on Monday, May 21 and Tuesday, May 22 I was unavoidably not able to be present for votes on Roll Call numbers 126 through 134. Had I been present, I would have voted:

Rollcall 126: National Pearl Harbor Remembrance Day, ''yea.''

Rollcall 127: H.R. 1185, Extension of Section 245(i) of the Immigration Act, ''yea''.

Rollcall 128: Capps amendment to H.R. 1, ''yea''.

Rollcall 129: Graves amendment to H.R. 1, ''yea''.

Rollcall 130: Hoekstra amendment to H.R. 1, ''yea''.

Rollcall 131: Dunn amendment to H.R. 1, ''yea''.

Rollcall 132: Tiberi amendment to H.R. 1, ''no''.

Rollcall 133: Vitter amendment to H.R. 1, ''yea''.

Rollcall 134: Passage of H.R. 1831, Relief for Small Businesses Under the Comprehensive Environmental Response, Compensation and Liability Act, ''yea''.

HONORING THE NEWARK BOYS CHORUS SCHOOL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. PAYNE. Mr. Speaker, tonight the Kennedy Center will feature as part of its Millennium Stage State Days series a very talented group of students from the Tenth Congressional District of New Jersey whom I was privileged to nominate, the Newark Boys Chorus School. I am so proud of these outstanding young performing artists who have traveled to Washington to share their gift of song at one of America's most prestigious theaters.

Known as Newark's ''Finest Ambassadors,'' The Newark Boys Chorus has been heard throughout the world. The chorus has performed with the Baltimore Symphony Orchestra, the American Symphony Orchestra, the Cathedral Symphony and the New Jersey Symphony Orchestra. Locations where they have performed include the Lincoln Center, the New Jersey Performing Arts Center, Carnegie Hall and the White House. With over forty concerts each season, television appearances, tours to Japan, Italy, China, Czechoslovakia, Australia, New Zealand and South Africa, the boys have become symbols of Newark's renaissance. The chorus sings for CEOs, Governors and Mayors; they sing in corporate settings, in country clubs and concert halls. They visit museums and libraries, attend plays and symphonies and engage in recreational activities such as skiing, hiking and swimming.

Training for the Chorus School requires hard work and discipline as the boys continue to maintain academic excellence. These outstanding students are sought after by such selective secondary schools as Blair Academy,

Peddie, Milton Academy, Pingry School, St. George's, Seton Hall Prep and Science High. The school encourages these students from Newark neighborhoods to reach for the stars. Not only are they outstanding students and performers, they learn to be good citizens with a respect for their community and their environment.

Mr. Speaker, these outstanding youngsters represent the best and brightest of a new generation. Please join me in honoring them as they make their debut at the Kennedy Center.

HONORING THE LATE SGT. CHRISTOPHER RYAN LAIR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. McINNIS. Mr. Speaker, on May 18, 2001 Sergeant Christopher Ryan Lair of Parachute, Colorado died before his time. The 22-year-old Marine died in a civilian aircraft near San Diego, California. I stand before Congress to ask that we all pause a moment in honor of Sgt. Lair.

Chris was born in Wheatridge, Colorado in 1979. Chris and his family moved to Parachute, where he graduated from Grand Valley High School in 1997. After graduation, he enlisted in the U.S. Marine Corps. He was stationed at Camp Pendelton, California, where he was Crew Chief in VMLA-169, a Huey/Cobra helicopter squadron.

On May 1, 2001, Chris was promoted to the rank of Sergeant. During his enlistment, Chris had been awarded the Good Conduct Medal, the Humanitarian Service Medal, the Sea Service Deployment Medal, the Humanitarian Service Medal, and the Navy Achievement Medal.

Flying was his greatest joy. He grew up around airports as his parents owned and operated an avionics shop at Garfield County Airport. He received his pilot's license at the age of 18 and completed his multi-engine certificate in May 2001. He flew every opportunity he had and his goal was to become a commercial pilot after serving in the military.

Mr. Speaker, Sgt. Christopher Lair was truly one of our 'few good men'. It's a tragedy that he died so young and at something he loved to do. I ask that Congress pause a moment to honor him and thank him for his service to our country.

IN HONOR OF THE SISTERS SERVANTS OF MARY IMMACULATE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor The Sisters Servants of Mary Immaculate on the 25th anniversary of its Ministry to the Aged in the Diocese of Cleveland on this 26th day of May.

Though the Sisters Servants of Mary Immaculate came to Cleveland in 1976, they were founded over 100 years ago in Poland. The Sisters were founded on the principles of apostolic works and have given their time selflessly to the sick, aged, forgotten, and lonely. Their ministry eventually expanded to the United States, and a headquarters was built in Maryland where the Sisters established and managed a home for the sick and elderly.

After arrival in Cleveland, the Sisters quickly clarified their purpose and mission: to minister to the spiritual needs of the elderly of the Polish families and their corporal needs as far as possible; and to educate the families and the community to understand the needs of the elderly and to recognize their respective responsibilities to the elderly.

The Sisters have done just that and so much more. The Sisters current work is their Special Ministry to the Aged under the auspices of Catholic Charities. This ministry provides and arranges for basic human needs such as food, shelter, health care, and social services. The ministry is staffed by five sisters with professional backgrounds in nursing, social work, and occupational therapy, 24 hours a day. The Sisters have also developed a ''Phone Companion Reassurance Program'' where volunteers are trained and connected to homebound elderly who have little or no family support.

The Sisters have served Cleveland selflessly and are an incredible asset to the entire community. They have come to serve and be a presence to many poor and frail elderly. Please join me in honoring the Sisters Servants of Mary Immaculate on this very special occasion.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my district on Monday, May 21, 2001, and I would like the RECORD to indicate how I would have voted had I been present.

For rollcall vote No. 126, the resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day, I would have voted ''yea.''

For rollcall vote No. 127, the Section 245(i) Extension Act, I would have voted ''yea.''

HONORING A MAN OF GREAT ABILITY JAMES E. HAUN—AN EXEMPLARY LIFE AND MAN

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. WAMP. Mr. Speaker, I rise to talk about an exceptional man in my district, James E. Haun. Jim has served as an electrician for 40 years, with unwavering dedication. Throughout his outstanding career, Jim has demonstrated remarkable ability not only to perform the duties of an electrician but also to motivate others to reach their potential, winning the unbridled respect and admiration of his peers and superiors. He was born in Harriman, Tennessee on November 16, 1935 and moved his family to Oak Ridge, Tennessee where he graduated from the Oak Ridge High School in 1955. He enlisted in the United States Air Force following graduation and served four years as a jet engine technician. He also served a tour of duty in French Morocco.

Following his discharge, Jim decided to enter the electrical field. Terrell Electric hired him in September of 1959, as an Electrician's Helper. Jim became a member of the International Brotherhood of Electrical Workers (IBEW) Local 175 located in my district. He served a five-year apprenticeship and graduated as an Inside Wireman in 1966. Because of his outstanding abilities, he was offered a position as a 2nd Year Instructor with the Apprenticeship School and he remained in that position until he accepted the position of School Training Director in 1992. Jim has served Local 175 in many capacities including the title of Treasurer from January 1992 to October 1992 and held membership on the I.B.E.W. Credit Union Committee.

Jim's dedication to his family, country, community and his profession is exemplary of the type of character and spirit he possesses. He is truly a remarkable man. I am very honored to represent Jim Haun in the Third Congressional District of Tennessee.

Mr. Speaker, I am honoring Jim Haun today in honor of his retirement from a full life well lived. On behalf of a very proud district, I extend to him my very best wishes for continued success in his future endeavors.

HONORING THE ARNOLD ENGINEERING DEVELOPMENT CENTER ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. HILLEARY. Mr. Speaker, I rise today in honor of the United States Air Force's Arnold Engineering Development Center at Arnold Air Force Base, Tennessee, which celebrates its 50th Anniversary on June 25, 2001.

The test center is named after 5-star General Henry 'Hap' Arnold, World War II commander of the Army Air Corps, and the father of the United States Air Force. In 1944, General Arnold asked Dr. Theodore von Karman to form a scientific advisory group to chart a long-range research and development program for the Air Force. After World War II, members of this group visited Germany to view its research and development facilities. They were disturbed to find that the German scientists were years ahead of the United States in the development of aerospace technology. Fortunately for us, Germany had made these technological advances too late in the war, and had to surrender before it could take full advantage of them. Even today, it is chilling to think what might have happened if the Axis powers had been able to hold out just a little longer.

General Arnold knew that America was unlikely to be that fortunate again, and determined that in order to keep America's Air Force prepared to fight and win our nation's wars, we needed a first class flight simulation test facility. In 1949, Congress authorized $100 million for the construction of such a facility at the Army's old Camp Forrest between Tullahoma and Manchester, Tennessee. On June 25, 1951, President Harry S Truman

himself dedicated AEDC, declaring that, ''Never again will the United States ride the coat tails of other countries in the progress and development of the aeronautical art.''

In the 50 years since, the world's largest and most complex collection of flight simulation test facilities has made good on that promise, AEDC's wind tunnels, jet and rocket altitude test cells, space chambers and ballistic ranges have played a vital role in the development and sustainment of every American high performance aircraft, missile and space system in use today. Twenty-seven of the center's 58 test facilities are unique in the United States. Fourteen can be found nowhere else in the world. But what makes AEDC special can't be measured simply in nuts and bolts. It also lies in the unsurpassed quality of the engineers, scientists, technicians, craftsmen and support personnel who work there.

Thanks in part to the tireless efforts of these dedicated men and women, the Cold War that President Truman and General Arnold prepared for has been won. But now, America faces an uncertain world of emerging threats, requiring the development of an advanced American space and missile defense, and a new generation of manned and unmanned aircraft. As it has since its inception, AEDC will lead the way in the U.S. Air Force's efforts to protect American liberty by remaining the world's preeminent aerospace power.

I salute the hard work of the men and women of AEDC, both past and present, and look forward to AEDC's next 50 years as America's premier flight simulation test facility.

TRIBUTE TO CHARLES FRANCIS FITE

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. DOOLITTLE. Mr. Speaker, today I wish to recognize and honor the life of Mr. Charles Francis Fite of Fair Oaks, California. I was blessed to have known Charlie for a number of years, and am truly grateful to have counted him a friend. Charlie Fite passed away on May 10, 2001, at the age of 89—leaving behind his loving wife of nearly 70 years, Hazel, two children, five grandchildren, and eleven great-grandchildren.

Born in Paris, Arkansas, Charles Fite's life is a shining example of the American dream. As a young man, Mr. Fite toiled in the coalmines of northwestern Arkansas and contributed to the war effort as a master electrician in the naval shipyards of Long Beach. Later, Mr. Fite immersed himself in the world of finance and banking. Mr. Fite was instrumental in the founding of the world's first fast food franchise, Dairy Queen, where he served as president.

After retiring from Dairy Queen, he and Hazel moved to the Sacramento area in 1969. In 1970, he and his son Bruce entered into real estate development along with grandson, Chet Fite. In 1980, he founded HCF, Inc., and continued real estate development with his daughter, Barbara, and grandson, Greg Hardcastle.

Charlie's work has left an indelible mark on the Sacramento area and has been instrumental in the region's development and positive growth. The business enterprises and projects for which Charlie is responsible are too numerous to name, but one of his more recognizable projects is the Sacramento Sportsplex on Highway 50.

Charlie Fite's accomplishments are many and great, but his life could never be defined by business acumen alone. Instead, Charlie will be remembered most for his honesty, integrity, and generosity. He will be revered and honored not for what he made for himself but for what he selflessly gave to others. Charles Fite was not simply a boss, he was a mentor; he was not just a father, he was a dad. His motto always was, ''It's not a good deal unless it's a good deal for everybody.'' Charlie was a man of great inspiration, and he had an innate ability to lift those up who were around him.

Charles was also a man of deep Christian faith. He helped found Warehouse Christian Ministries and served on the board of Capital Christian Center. Charlie Fite both professed and lived his Christian faith. He was a compassionate and a wise friend whose life will be cherished and remembered by generations yet unborn. He will be profoundly missed, but he certainly will not be forgotten.

May you rest in peace, Charlie.

HISTORY OF THE WEST PALM BEACH VETERANS ADMINISTRATION MEDICAL CENTER

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. MICA. Mr. Speaker, the West Palm Beach Department of Veterans Affairs Medical Center in Florida was inspired by the life, military service and death of Pfc. John Mica. Army Corpsman Mica was born on April 3, 1915 in Binghamton, NY, served as a private in the U.S. Army from 1943–44, and died July 16, 1972 in a crowded veterans hospital in Miami, Florida.

Because of the circumstances of John Mica's death in that veterans facility, which was strained to capacity, his son Daniel A. Mica made construction of a new South Florida veterans hospital one of his goals when elected to the U.S. Congress. From 1978 to 1988, Congressman Daniel Mica, a member of the House Veterans Committee, cited the need for additional veterans medical facilities in Florida at every meeting of that Congressional panel over the decade of his service.

Congressman Daniel Mica, on February 8, 1983 during the 98th Congress, introduced H.R. 1348, ''A bill to construct a new Veterans Administration hospital in the State of Florida.'' Construction of the Palm Beach County Veterans' Hospital was completed in 1994.

This history has been submitted into the CONGRESSIONAL RECORD by Congressman JOHN L. MICA in memory of his father, Pfc. John Mica, and also in recognition of his brother Daniel's contribution to the veterans of the State of Florida.

MINI OLYMPICS A CREDIT TO MOUNT CARMEL AREA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the participants and volunteers in the Mount Carmel Mini Olympics for People with Special Needs, which has grown in each of its seven years. This year's Mini Olympics will be held on June 2.

Last year, I had the opportunity to witness first-hand the dedication of the athletes and the generosity of the many volunteers who make this event possible.

A group of friends initiated the Mini Olympics to allow local special needs athletes the opportunity to participate that might not otherwise be possible due to the travel distance, lodging expenses and commitment of time that are sometimes necessary for the state or national Special Olympics. Building on that success, the Mini Olympics have become an annual event. The number of participants has grown from 44 at the beginning to 184 last year.

Led by Chairman Ron Tanney, the Mount Carmel Mini Olympics for People with Special Needs Committee organizes this inspiring event with the help of many volunteers and community donors too numerous to list them all here.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives this extraordinary event and the people who make the Mini Olympics possible, and I wish them all the best as they continue with their many endeavors.

I would now like to insert for the record an editorial from the Shamokin News-Item commending the volunteers and participants in last year's Mini-Olympics, words which I am sure will apply equally well this year.

TWO 'CLASS' EVENTS THAT MAKE US PROUD

[Shamokin News-Item Editorial, June 6, 2000]

Two annual events, both held this past weekend, show the class of area volunteers and the generosity of our area's residents.

The two events, of course, are the Mount Carmel Mini-Olympics for People with Special Needs and the Relay for Life sponsored by the American Cancer Society.

Seldom do we witness the level of unselfishness and the concern for fellow human beings that is so apparent at these two programs.

This was the sixth annual Mini-Olympics and the program keeps getting better every year. Thanks to a cadre of dedicated volunteers who plan the day out of love, those who help out at the events and the generous businesses, individuals, organizations and government officials who support it, the Mini-Olympics is a high point in the lives of the participants and their families. Indeed, the lives of all who are in the stadium are enriched because of the Mini-Olympics. It is truly a celebration of life.

So too is the annual Relay for Life, in which people throughout the region join

forces to fight a terrible killer and give moral support to those who fought their own personal fights and to the families of those whose personal battles are over. The camaraderie and unity of purpose exhibited by Relay teams should serve as an inspiration for those of us who make the mistake of trying to ''go it alone'' in tough times.

When cynics claim that this area is ''dying,'' we need only point to the Mini-Olympics and the Relay for Life, events which affirm our love for life and our commitment to each other. These are events that should make us proud to be residents of the Shamokin-Mount Carmel area.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 24, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 5

9:30 a.m.
Armed Services
To hold hearings on the nomination of Douglas Jay Feith, of Maryland, to be Under Secretary of Defense for Policy; and the nomination of Jack Dyer Crouch, II, of Missouri, to be an Assistant Secretary of Defense.
Room to be announced

JUNE 6

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD–138

Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD–226

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

JUNE 14

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the implementation of the Recreation Fee Demonstration Program and to examine efforts to extend or make the program permanent.
SD–354

JUNE 15

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the growing problem of cross border fraud, which poses a threat to all American consumers but disproportionately affects the elderly. The focus will be on the state of binational U.S.-Canadian law enforcement coordination and cooperation and will explore what steps can be taken to fight such crime in the future.
SD–342

Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

POSTPONEMENTS

JUNE 6

10 a.m.
Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD–226

Daily Digest

HIGHLIGHTS

Senate passed the Economic Growth and Tax Relief Reconciliation Act.

Senate confirmed the nomination of Howard H. Baker, Jr., to be Ambassador to Japan.

The House passed H.R. 1, Leave No Child Behind Act.

Senate

Chamber Action

Routine Proceedings, pages S5489–S5570

Measures Introduced: Ten bills and one resolution was introduced, as follows: S. 935–944, and S. Con. Res. 42. **Page S5542**

Measures Reported:

H.R. 581, to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

S. 378, to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center".

S. 468, to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building".

S. 757, to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse".

S. 774, to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse". **Page S5541**

Measures Passed:

Tax Relief Reconciliation: By 62 yeas to 38 nays (Vote No. 165), Senate passed H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, after taking action on the following amendments proposed thereto: **Pages S5490–S5522**

Adopted:

By 94 yeas to 4 nays (Vote No. 159), Snowe Amendment No. 741, to express the sense of the Senate that the modifications to the child tax credit contained in section 201 should be part of the final tax package. **Pages S5490–91**

Nelson (of NE) Modified Amendment No. 769, to provide a circuit breaker for tax cuts if debt levels are not reduced as provided in the budget resolution for fiscal year 2002. **Page S5491**

Harkin/Johnson Amendment No. 784, to provide a deduction for unreimbursed expenses related to certain public activities of emergency response professionals. **Pages S5491–92**

Grassley/Baucus Amendment No. 789, to expand the adoption credit, to allow a deduction for 100 percent of the health insurance costs of self-employed individuals, to ease rollover limitations on qualified tuition programs, to disregard any child tax credit refund in the administration of Federal programs and federally assisted programs, to provide that certain computer expenses are to be treated as qualified elementary and secondary education expenses for purposes of education savings accounts, to exempt State and local candidate committees from notification requirements, to expand the dependent care credit, to provide for education savings accounts, to provide a credit against tax for employers who provide child care assistance, 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, to waive the statute of limitation for taxes on certain farm valuations, to permanently extend the research credit and to increase the rates of the alternative incremental credit,

to provide for a credit for medical research related to developing vaccines against wide-spread diseases, to clarify the coordination of various education-related exclusions with the deduction for higher education expenses, to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement, to accelerate benefits of wage tax credits for empowerment zones, to enhance book donations and literacy, to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness, to provide tax-exempt bond authority for treatment facilities that reduce arsenic levels in drinking water, and to provide for marriage penalty relief.

Pages S5496–97

By 98 yeas to 2 nays (Vote No. 164), Collins/Warner Modified Amendment No. 675, to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials. **Pages S5490, S5497–99**

Baucus (for Kerry) Amendment No. 787, to permit the disclosure of certain tax information by the Secretary of the Treasury to facilitate combined Federal and State employment tax reporting.

Pages S5499–S5500

During consideration of this measure today, Senate also took the following actions:

By 46 yeas to 54 nays (Vote No. 160), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Stabenow Motion to Commit the bill to the Committee on Finance with instructions to report back forthwith. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the motion thus fell.

Page S5492

By 49 yeas to 51 nays (Vote No. 161), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Grassley Amendment No. 786 (to Amendment No. 763), to make certain modifications with respect to long-term care insurance policies. Subsequently, a point of order that the amendment was in violation of section 311(a)2(b)of the Congressional Budget Act was sustained, and the amendment thus fell. **Page S5493**

By 47 yeas to 53 nays (Vote No. 162), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Graham Amendment No. 763, to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with longterm care needs. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S5493–94**

By 46 yeas to 54 nays (Vote No. 163), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Schumer Amendment No. 777, to provide alternative minimum tax relief for individuals, extend certain expiring tax provisions, and to provide an offset for revenue loss. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S5494–95**

Senate insisted on its amendment, requested a conference with the House thereon, and the chair was authorized to appoint the following conferees on the part of the Senate: Senators Grassley, Hatch, Murkowski, Nickles, Gramm, Baucus, Rockefeller, Daschle, and Breaux. **Page S5522**

Nomination Announcement: In accordance with the provisions of S. Res. 8, Committee on the Judiciary failed to report the nomination of Ted Olson, to be Solicitor General of the United States, by a tie vote of 9–9. **Page S5531**

Messages from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the national emergency with respect to the Government of Liberia; to the Committee on Banking, Housing, and Urban Affairs. (PM–22) **Pages S5537–38**

Nominations Confirmed: Senate discharged the Committee on Foreign Relations from further consideration and confirmed the following nomination:

By a unanimous vote of 99 yeas (Vote No. EX. 166), Howard H. Baker, Jr., of Tennessee, to be Ambassador to Japan. **Pages S5542, S5561–69, S5570**

Nominations Received: Senate received the following nominations:

Ronald Rosenfeld, of Maryland, to be President, Government National Mortgage Association.

William Gerry Myers III, of Idaho, to be Solicitor of the Department of the Interior.

Robert D. Blackwill, of Kansas, to be Ambassador to India.

Anthony Horace Gioia, of New York, to be Ambassador to the Republic of Malta.

J. Robert Flores, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

William J. Riley, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

Pages S5569–70

Executive Communications: Pages S5538–39

Petitions and Memorials: Pages S5539–41

Executive Reports of Committees: Pages S5541–42

Statements on Introduced Bills: Pages S5544–53

Additional Cosponsors: Pages S5542–44

Amendments Submitted: Pages S5553–60

Additional Statements: Pages S5535–37

Notices of Hearings: Pages S5560–61

Authority for Committees: Page S5561

Record Votes: Eight record votes were taken today. (Total—166) Pages S5490–95, S5499, S5522, S5569

Adjournment: Senate met at 9:30 a.m., and adjourned at 5:57 p.m., until 10 a.m., on Thursday, May 24, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5569.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded hearings on proposed budget estimates for fiscal year 2002 for the Department of Defense and related programs, after receiving testimony from certain public witnesses.

APPROPRIATIONS—NATIONAL INSTITUTES OF HEALTH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings on proposed budget estimates for fiscal year 2002 for the National Institutes of Health, after receiving testimony from Ruth L. Kirschstein, Acting Director, National Institutes of Health, Department of Health and Human Services, who was accompanied by several of her associates.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Alphonso R. Jackson, of Texas, to be Deputy Secretary, Richard A. Hauser, of Maryland, to be General Counsel, John Charles Weicher, of the District of Columbia, to be Assistant Secretary and serve as Federal Housing Commissioner, and Romolo A. Bernardi, of New York, to be an Assistant Secretary, all of the Department of Housing and Urban Development.

BOXING INDUSTRY REFORM

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the impact of past legislation on the professional boxing industry, and whether additional federal, state, and private sector reforms, including the establishment of a centralized association or league, a boxers union, a promoters and managers collective, and consistent state regulations among the state athletic commissioners, are needed to further improve the sport, after receiving testimony from Roy Jones, Jr., Pensacola, Florida, on behalf of the Jones House; Edwin Homansky, Valley Hospital Medical Center, Dan Goossen, America Presents Boxing, and Kirk D. Hendrick, Jones Vargas, all of Las Vegas, Nevada; Greg Sirb, Association of Boxing Commissions, Harrisburg, Pennsylvania; and Patrick C. English, Dimes and English, Clifton, New Jersey.

CARBON SEQUESTRATION

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine issues relating to the capture, separation and storage or reuse of excess carbon, known as carbon sequestration, in order to stabilize and ultimately reduce concentrations of carbon emissions in the atmosphere, including soil carbon measurement processes, methods used to measure soil carbon changes, and the research related to such measurements, after receiving testimony from John M. Kimble, Research Soil Scientist, Natural Resources Conservation Service, Department of Agriculture; Dale E. Heydlauff, American Electric Power Company, Columbus, Ohio; John Kadyszewski, Winrock International, Morrilton, Arkansas; Michael J. Coda, Nature Conservancy, Arlington, Virginia; and Robert Bonnie, Environmental Defense, Washington, D.C.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 507, to implement further the Act (Public Law 94–241) approving the covenant to establish a commonwealth of the Northern Mariana Islands in Political Union with the United States of America; and

The nominations of Patrick Henry Wood III, of Texas, and Nora Mead Brownell, of Pennsylvania, each to be a Member of the Federal Energy Regulatory Commission, Lee Sarah Liberman Otis, of Virginia, to be General Counsel, and Jessie Hill Roberson, of Alabama, to be an Assistant Secretary

for Environmental Management, all of the Department of Energy, and J. Steven Griles, of Virginia, to be Deputy Secretary of the Interior

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

H.R. 581, to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management;

S. 468, to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building";

S. 774, to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse";

S. 757, to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse";

S. 378, to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center"; and

The nominations of Linda J. Fisher, of the District of Columbia, to be Deputy Administrator, and Stephen L. Johnson, of Maryland, to be Assistant Administrator for Toxic Substances, both of the Environmental Protection Agency, and James Laurence Connaughton, of the District of Columbia, to be a Member of the Council on Environmental Quality.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nomination of Howard H. Baker, Jr., of Tennessee, to be Ambassador to Japan, after the nominee, who was introduced by Senators Dole, Thompson, Frist, and Byrd, testified and answered questions in his own behalf.

U.S./NORTH KOREA POLICY

Committee on Foreign Relations: Committee concluded hearings to examine future policy between the United States and North Korea, after receiving testimony from Norbert Vollertsen, German Emergency Doctors, Dusseldorf; Chuck Downs, Arlington, Virginia, former Deputy Director, ISA/East Asian and Pacific Affairs, Department of Defense and former Senior Defense and Foreign Policy Advisor to the House Policy Committee; James T. Laney, Council for Foreign Relations Korea Task Force, Atlanta, Georgia; and Robert L. Gallucci, Georgetown University Edmund A. Walsh School of Foreign Service, Washington, D.C.

NOMINATIONS

Committee on Governmental Affairs: Committee ordered favorably reported the nominations of John D. Graham, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, Stephen A. Perry, of Ohio, to be Administrator of General Services, Angela B. Styles, of Virginia, to be Administrator for Federal Procurement Policy, and Erik Patrick Christian and Maurice A. Ross, each to be an Associate Judge of the Superior Court of the District of Columbia.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Deborah L. Cook and Jeffrey S. Sutton, both of Ohio, each to be a United States Circuit Judge for the Sixth Circuit, John G. Roberts, Jr., of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, and Ralph F. Boyd, Jr., of Massachusetts, and Robert D. McCallum, Jr., of Georgia, each to be an Assistant Attorney General, both of the Department of Justice, after the nominees testified and answered questions in their own behalf. Mr. Boyd was introduced by Senator Kennedy.

House of Representatives

Chamber Action

Bills Introduced: 27 public bills, H.R. 1953–1979; and 3 resolutions, H. Con. Res. 141–142 and H. Res. 146, were introduced. **Pages H2677–79**

Reports Filed: No Reports were filed today.

H.R. 819, to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building'' (H. Rept. 107–75);

H. Res. 147, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 107–76); and

H.R. 1407, to amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays, amended (H. Rept. 107–77, Pt. 1). **Page H2677**

Guest Chaplain: The prayer was offered by His Holiness Kerikin II, Supreme Patriarch and Catholicos of all Armenians, Echmiadzin, Armenia. **Page H2573**

Welcoming His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians to the United States: The House agreed to H. Con. Res. 139 welcoming His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States and commemorating the 1700th anniversary of the acceptance of Christianity in Armenia. **Pages H2654–56**

Leave No Child Behind Act: The House passed H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind by a recorded vote of 384 ayes to 45 noes, Roll No. 145. The House considered the bill on May 17 and May 23. **Pages H2577–H2645**

Rejected the Owens motion to recommit the bill to the Committee on Education and the Workforce with instructions to report it back forthwith with an amendment to provide funding for school repair, renovation, and construction by a recorded vote of 207 ayes to 223 noes, Roll No. 144. **Pages H2630–34**

Agreed To:

Meek amendment No. 11 printed in H. Rept. 107–69 that amends the Osborne mentoring Program to allow both adults and high school students to participate as mentors; **Pages H2580–81**

Rogers of Michigan amendment No. 12 printed in H. Rept. 107–69 that encourages the Secretary of Education to promote education savings accounts in states with qualified tuition programs; **Pages H2581–82**

Norwood amendment No. 13 printed in H. Rept. 107–69 that allows the discipline of children with disabilities who carry weapons, possess or use drugs, or commit an aggravated assault or battery (agreed to by a recorded vote of 246 ayes to 181 noes, Roll No. 138); **Pages H2582–86, H2609–10**

Tiahrt amendment No. 14 printed in H. Rept. 107–69 that guarantees parents and guardians access to review their children's instructional material, requires informed consent prior to a school seeking various kinds of information including political affiliation, mental illness, sex behavior or attitudes, family appraisals, and religious practices or beliefs, and requires informed consent prior to any medical or mental health examination, testing, treatment, or immunization, except in the case of a medical emergency; **Pages H2586–88**

Akin amendment No. 17 printed in H. Rept. 107–69 that requires that academic tests be based on objective, measurable and widely accepted professional testing and assessment standards and shall not assess the personal opinions, attitudes, or beliefs of the student being tested; **Pages H2603–05**

Stearns amendment No. 18 printed in H. Rept. 107–69 that requires State educational agencies to provide an annual report on the schools identified for improvement (agreed to by a recorded vote of 361 ayes to 67 noes, Roll No. 139); **Pages H2605, H2610**

Traficant amendment No. 19 printed in H. Rept. 107–69 that expresses the sense of the Congress that American-made steel should be used in all construction activities and that entities should purchase only American-made equipment and products (agreed to by a recorded vote of 415 ayes to 9 noes, Roll No. 140); **Pages H2605–07, H2610–11**

Brady amendment No. 20 printed in H. Rept. 107–69 that establishes the Paul Coverdell Teacher Liability Protection Act to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment (agreed to by a recorded vote of 239 ayes to 189 noes, Roll No. 141); **Pages H2611–15, H2628**

Mink amendment No. 21 printed in H. Rept. 107–69 that requires a mentoring program for teachers who have been in the profession for less than three years and are teaching in schools identified for improvement; **Pages H2615–16**

Wamp amendment No. 22 printed in H. Rept. 107–69 that increases funding from $25 million to $50 million for the Character Education Program; **Pages H2616–17**

Hilleary amendment No. 24 printed in H. Rept. 107–69 that establishes the ''Boy Scouts of America Equal Access Act'' to require equal access to public school facilities to the Boy Scouts or any other youth group with similar membership or leadership criteria that wishes to conduct a meeting during a school's designated open forum period; **Pages H2617–20**

Velázquez amendment No. 25 printed in H. Rept. 107–69 that permits matching grant requirements

to include in-kind contributions to ease the ability of disadvantaged communities to apply for 21st Century Learning Center grants; **Page H2620**

Kirk amendment No. 26 printed in H. Rept. 107–69 that expresses the sense of Congress that the Impact Aid Program should be fully funded to meet the needs of school districts affected by Federal presence and ensure that federally connected children, including military dependents, will continue to receive a quality education (agreed to by a recorded vote of 425 ayes to 3 noes, Roll No. 142); and **Pages H2620–22, H2628–29**

Hoeffel amendment No. 27 printed in H. Rept. 107–69 that allows funding for leave time and other associated costs for teachers to attend technology classes related to the state and local technology for success grants. **Pages H2622–23**

Rejected:

Hoekstra amendment No. 10 printed in H. Rept. 107–69 that sought to increase the authority of local educational agencies to transfer funds between programs from 50 percent to 75 percent upon state approval (rejected by a recorded vote of 191 ayes to 236 noes, Roll No. 137); **Pages H2577–80, H2608–09**

Armey amendment No. 15 printed in H. Rept. 107–69 that sought to authorize private school choice for students who have attended low performing schools for 3 years, permit the use of innovative education grants funding for school choice, and allow choice for students who are victims of crime or who are attending unsafe schools (rejected by a recorded vote of 155 ayes to 273 noes, Roll No. 135); **Pages H2588–96, H2607–08**

Armey amendment No. 16 printed in H. Rept. 107–69 that sought to authorize five research projects to determine the effectiveness of school choice in improving the academic achievement of disadvantaged students and the overall quality of public schools and local educational agencies (rejected by a recorded vote of 186 ayes to 241 noes, Roll No. 136); and **Pages H2596–H2603, H2608**

Cox amendment No. 28 printed in H. Rept. 107–69 that limits the aggregate increase in authorization of appropriations for fiscal year 2002 to 11.5 percent over the amount appropriated for fiscal year 2001 (rejected by a recorded vote of 101 ayes to 326 noes, Roll No. 143). **Pages H2623–27, H2629–30**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H2645**

H. Res. 143, the rule that provided for consideration of the bill was agreed to on May 10.

Economic Growth and Tax Relief Reconciliation Act: The House disagreed with the Senate amendment to H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002 and agreed to a conference. Appointed as conferees: Representatives Armey, Thomas, and Rangel. **Pages H2646–54**

Rejected the Stark motion to instruct conferees to produce a conference report in which the revenue losses and debt service costs do not grow as a percentage of gross domestic product on either a long or short term basis; shall not include phase-ins longer than 5 years, delayed effective dates, or sunsets; include provisions on marriage penalty relief; increasing per-child tax credit; estate tax relief; pension reform legislation; and permanent extension of the research credit; adjust the current law alternative minimum tax so that it does not disallow the benefits of the tax reductions in the bill; shall be designed so that its revenue loss and associated debt service costs for each fiscal year do not exceed the projected non-Social Security/non-Medicare surplus for such fiscal year; and provides benefits to every family with children that has income or payroll tax liability with inflation adjustments so that the benefits do no erode over time by a yea-and-nay vote of 198 yeas to 210 nays, Roll No. 146. **Pages H2646–54**

Presidential Message—Prohibiting the Importation of Diamonds From Liberia: Read a message from the President wherein he announced that he has issued an Executive Order that prohibits the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia—referred to the Committee on International Relations and ordered printed (H. Doc. 107–75). **Page H2656**

Senate Messages: Messages received from the Senate today appears on pages H2573 and H2645.

Referrals: S. Con. Res. 41 was referred to the Committee on Transportation and Infrastructure. **Page H2673**

Quorum Calls—Votes: One yea-and-nay vote and eleven recorded votes developed during the proceedings of the House today and appear on pages H2607–08, H2608, H2608–09, H2609–10, H2610, H2610–11, H2628, H2628–29, H2629, H2634, H2644–45, and H2654. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:59 p.m.

Committee Meetings

FREE TRADE PROPOSALS—IMPACT ON U.S. AGRICULTURE

Committee on Agriculture: Held a hearing to review the Administration's proposals for the Free Trade Area of the Americas and their impact on United States Agriculture. Testimony was heard from Ann M. Veneman, Secretary of Agriculture; Donald L. Evans, Secretary of Commerce; Robert B. Zoellick, U.S. Trade Representative; and public witnesses.

CONSERVATION PROGRAMS REVIEW

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development and Research held

a hearing to review conservation programs. Testimony was heard from the following officials of the USDA: Thomas Weber, Deputy Chief, Programs, Natural Resources Conservation Service; and Robert Stephenson, Director, Conservation and Environmental Programs, Farm Service Agency; and public witnesses.

Hearings continue June 6.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on the SBA. Testimony was heard from John Whitmore, Acting Administrator, SBA.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on District of Columbia held a hearing on Fiscal Year 2002 D.C. Budget. Testimony was heard from the following officials of the District of Columbia: Anthony A. Williams, Mayor; Linda W. Cropp, Chairwoman, Council; and Natwar M. Gandhi, Chief Financial Officer; and Alice M. Rivlin, Chair, D.C. Financial Responsibility and Management Assistance Authority.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on Worker Protection, and on Employment Training, and Veterans Employment. Testimony was heard from the following officials of the Department of Labor: R. Davis Layne, Acting Assistant Secretary, OSHA; David Lauriski, Assistant Secretary, Mine Safety and Health; Joe N. Kennedy, Acting Assistant Secretary, Employment Standards Administration; Ann L. Combs, Assistant Secretary, Pension and Welfare Benefits Administration; Raymond J. Uhalde, Deputy Assistant Secretary, Employment and Training Administration; and Stanley A. Seidel, First Assistant, Veterans Employment and Training Services.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on HUD. Testimony was heard from Mel R. Martinez, Secretary of Housing and Urban Development.

Hearings continue tomorrow.

"ON-LINE FRAUD AND CRIME: ARE CONSUMERS SAFE?"

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on "On-line Fraud and Crime: Are Consumers Safe?" Testimony was heard from the following officials of the Department of Justice: Bruce Swartz, Deputy Assistant Attorney General, Criminal Division; and Thomas T. Kubic, Deputy Assistant Director, Criminal Division, FBI; Eileen Harrington, Associate Director, Marketing Practices, Bureau of Competition, FTC; Bruce Townsend, Special Agent in Charge, Financial Crimes Division, U.S. Secret Service, Department of the Treasury; and public witnesses.

HCFA—COMPUTER SECURITY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing on "How Secure Is Private Medical Information? A Review of Computer Security at the Health Care Financing Administration and Its Medicare Contractors." Testimony was heard from the following officials of the Department of Health and Human Services: Jared Adair, Acting Chief Information Officer, Health Care Financing Administration; and Joseph E. Vengrin, Assistant Inspector General, Audit, Operations and Financial Statement Activities; and a public witness.

HOUSING GSE'S—FEDERAL SUBSIDIES

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing on Federal subsidies for the housing GSE's. Testimony was heard from Dan L. Crippen, Director, CBO.

EFFECTIVE FAITH-BASED DRUG TREATMENT PROGRAMS

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on Effective Faith-Based Drug Treatment Programs. Testimony was heard from public witnesses.

EXPORT ADMINISTRATION ACT—CASE FOR RENEWAL

Committee on International Relations: Subcommittee on International Relations held a hearing on the Export Administration Act: The Case for Its Renewal. Testimony was heard from Kenneth I. Juster, Under Secretary, Bureau of Export Administration, Department of State.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 169, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001; and H.R. 718, Unsolicited Commercial Electronic Mail Act of 2001.

OVERSIGHT—RECREATIONAL ACCESS TO PUBLIC LANDS

Committee on Resources: Held an oversight hearing on Recreational Access to Public Lands. Testimony was heard from Courtland Nelson, Director, Parks and Recreation, State of Utah; and public witnesses.

SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a resolution waiving clause 6(a) of rule XIII (requiring a

two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on the legislative day of May 24, 2001, providing for consideration or disposition of any measure to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

NATIONAL ENERGY POLICY—NATIONAL ENERGY POLICY DEVELOPMENT GROUP REPORT

Committee on Science: Held a hearing on National Energy Policy-Report of the National Energy Policy Development Group. Testimony was heard from public witnesses.

VETERANS' SBA PROGRAMS

Committee on Small Business: Held a hearing with respect to SBA Programs for Veterans and the National Veterans Business Development Corporation. Testimony was heard from William Elmore, Associate Administrator, Veterans Affairs, SBA; and public witnesses.

OVERSIGHT—PORT AND MARITIME TRANSPORTATION CONGESTION

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation, and the Subcommittee on Water Resources and Environment held a joint oversight hearing on Port and Maritime Transportation Congestion. Testimony was heard from the following officials of the Department of Transportation: Bruce J. Carlton, Acting Deputy Administrator, Maritime Administration; and Jeffrey P. High, Director, Waterways Management, U.S. Coast Guard; Charles M. Hess, Chief of Operations Division, U.S. Army Corps of Engineers, Department of Defense; and public witnesses.

HIGHWAY CONGESTION SOLUTIONS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Solutions to Highway Congestion. Testimony was heard from Thomas R. Wayne, Executive Director, Department of Transportation, State of Utah; Elwin Tinklenberg, Commissioner, Department of Transportation, State of Minnesota; and public witnesses.

COMMUNITY SKILLS MIX

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Community Skills Mix. Testimony was heard from departmental witnesses.

Joint Meetings

U.S. ECONOMY

Joint Economic Committee: Committee concluded hearings to examine issues related to the economic outlook of the nation, including a national energy policy, the tax code, and the impact of the slowing economy, after receiving testimony from R. Glenn Hubbard, Chairman, Council of Economic Advisers.

COMMITTEE MEETINGS FOR THURSDAY, MAY 24, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2002 for the Secretary of the Senate and the Architect of the Capitol, 10 a.m., SD–124.

Subcommittee on Transportation, to hold hearings to examine transportation safety issues and Coast Guard modernization proposals, 10 a.m., SD–192.

Committee on Armed Services: to hold hearings on the nomination of Susan Morrisey Livingstone, of Montana, to be Under Secretary of the Navy; and the nomination of Jessie Hill Roberson, of Alabama, to be Assistant Secretary of Energy for Environmental Management, 9:30 a.m., SR–222.

Subcommittee on Emerging Threats and Capabilities, to hold a closed briefing on the Department of Energy/Russian nonproliferation programs, 2 p.m., S–407, Capitol.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities and Investment, to hold hearings on the implementation and future of decimalized markets, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 368, to develop voluntary consensus standards to ensure accuracy and validation of the voting process, to direct the Director of the National Institute of Standards and Technology to study voter participation and emerging voting technology, to provide grants to States to improve voting methods; S. 633, to provide for the review and management of airport congestion; the nomination of Michael K. Powell, of Virginia, Kathleen Q. Abernathy, of Maryland, Michael Joseph Copps, of Virginia, Kevin J. Martin, of North Carolina, and Timothy J. Muris, of Virginia, each to be a Member of the Federal Trade Commission; the nomination of Donna R. McLean, of the District of Columbia, to be Assistant Secretary for Budget and Programs/Chief Financial Officer, and Sean B. O'Hollaren, of Oregon, to be Assistant Secretary for Governmental Affairs, both of the Department of Transportation; and the nomination of Kathleen Marie Cooper, of Texas, to be Under Secretary for Economic Affairs, Maria Cino, of Virginia, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, and Bruce P. Mehlman, to be Assistant Secretary for Technology Policy, all of the Department of Commerce, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings on the Administration's national energy policy, and

Price-Anderson Act provisions of pending energy legislation, including S. 242, to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006; S. 388, to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; S. 472, to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; and S. 597, to provide for a comprehensive and balanced national energy policy, 9:30 a.m., SD–106.

Committee on Foreign Relations: business meeting to consider S. Con. Res. 35, expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon; S. Res. 88, expressing the sense of the Senate on the importance of membership of the United States on the United Nations Human Rights Commission; and S. Res. 91, condemning the murder of a United States citizen and other civilians, expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings, proposed legislation condemning the practices of the Taleban, pending nominations, and certain foreign service officer promotion lists, 10:30 a.m., SD–419.

Subcommittee on International Operations and Terrorism, to hold hearings to examine issues related to the United Nations Human Rights Commission, 2:45 p.m., SD–419.

Committee on Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine alleged problems in the tissue industry, such as claims of excessive charges and profit making within the industry, problems in obtaining appropriate informed consent from donor families, issues related to quality control in processing tissue, and whether current regulatory efforts are adequate to ensure the safety of human tissue transplants, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine issues surrounding Congress' role in patient safety, 9:30 a.m., SD–430.

Committee on the Judiciary: to hold hearings to examine competition in the pharmaceutical marketplace, focusing on the antitrust implications of patent settlements, 2 p.m., SD–226.

House

Committee on Agriculture, hearing to review mandatory livestock price reporting, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Labor, Health and Human Services and Education, on SSA, 10 a.m., and on Corporation for Public Broadcasting, 11:15 a.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on HUD, 9:30 a.m., 2359 Rayburn.

Committee on Energy and Commerce, to mark up H.R. 1647, Electricity Emergency Act of 2001, 9:30 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs and the Subcommittee on Technology and the House of the Committee on Rules, joint hearing on "Unfunded Mandates—A Five-Year Review and Recommendations for Change," 10:30 a.m., 2154 Rayburn.

Committee on House Administration, to continue hearings on Voting Technology, 11 a.m., 1310 Longworth.

Committee on International Relations, hearing on the Annual Report of the U.S. Commission on International Religious Freedom, 11:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, to mark up H.J. Res. 36, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, 10:30 a.m., 2226 Rayburn.

Subcommittee on Crime, oversight hearing on "Fighting Cyber Crime: Efforts by State and Local Officials," 1:30 p.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the Reauthorization of the Coastal Zone Management Act, 9:30 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Energy, hearing on Energy Conservation Potential of Extended and Double Daylight Savings Time, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight and the Subcommittee on Rural Enterprises, Agriculture and Technology, joint hearing on Eliminating the Digital Divide—Who Will Wire Rural America? 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Airport Runway Construction Challenges, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on H.R. 1291, 21st Century Montgomery GI Bill Enhancement Act, 10 a.m., 334 Cannon.

Next Meeting of the SENATE

10 a.m., Thursday, May 24, 2001

Senate Chamber

Program for Thursday: After the recognition of two Senators for speeches and the transaction of any morning business, Senate may consider any cleared legislative and executive business, including the conference report to accompany the Tax Relief Reconciliation bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 24

House Chamber

Program for Thursday: Consideration of the conference report on H.R. 1836, Economic Growth and Tax Relief Reconciliation Act (subject to a rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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