amendment No. 4480 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4481

At the request of Mr. DASCHLE, the names of the Senator from Utah (Mr. BENNETT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. BREAUX) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 4481 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4481

At the request of Mr. ALLARD, his name was added as a cosponsor of amendment No. 4481 proposed to H.R. 5093, supra.

AMENDMENT NO. 4481

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 4481 proposed to H.R. 5093, supra.

AMENDMENT NO. 4486

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 4486 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4486

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 4486 proposed to H.R. 5005, supra.

AMENDMENT NO. 4491

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Wyoming (Mr. THOMAS) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of amendment No. 4491 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4491

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 4491 proposed to H.R. 5005, supra.

AMENDMENT NO. 4491

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 4491 proposed to H.R. 5005, supra.

AMENDMENT NO. 4491

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 4491 proposed to H.R. 5005, supra.

AMENDMENT NO. 4492

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 4492 proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4492

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Wyoming (Mr. THOMAS) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of amendment No. 4492 proposed to H.R. 5005, supra.

AMENDMENT NO. 4492

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 4492 proposed to H.R. 5005, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON:

S. 2903. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

Mr. JOHNSON. Mr. President, I rise today to introduce the Veterans Health Care Funding Guarantee Act.

I am introducing the legislation because I believe the VA health case system is on the brink of crisis. While the number of veterans in the United States has decreased over the years, the number of veterans utilizing the VA health care system has increased exponentially. This is due in large part to the availability of Community-Based Outpatient Clinics and the prescription drug benefits available through the VA. The VA estimates that it will see an additional 1.2 million patients over the next fiscal year. This would bring the number of veterans served through the VA up to 4.9 million, a 31 percent increase in one year.

While the VA has become the health care system of choice for many veterans, the system is simply not equipped to handle this kind of patient influx at the current funding level. According to the VA, 300,000 veterans are waiting for appointments, half of them will end up waiting six months or more. I know this to be the case in my own State. In Sioux Falls, veterans are currently being given appointment dates for November of 2003. Furthermore, recent articles in the Aberdeen American News and the Argus Leader reported that the VA has been instructed not to recruit veterans into the health care system any more because of lack of resources.

This is despite the fact that for the past several years Congress has provided funding for veterans health care in excess of the VA's request. Two years ago, I helped fight for a $1.4 billion increase in veterans health care funding over the Administration's initial request. Last year, we succeeded in adding an additional $1.1 billion. During Senate consideration of the Fiscal Year 2002 Emergency Supplemental Appropriations bill, I was pleased to work with my fellow members of the Appropriations Committee to ensure that $417 million in additional funding for veterans health care was included in the bill. Given the current problems within the VA health care system, I was disappointed that President refused to spend $275 million of the emergency funding that was earmarked for veterans health care. According to the Independent Budget, which is prepared by the Disabled American Veterans, AMVETS, the Paralyzed Veterans of America, and the Veterans of Foreign Wars, the Administration's Fiscal Year 2003 request for VA health care is $1.7 billion less than what is needed to fully fund our veterans' health care needs.

We need a new approach to veterans health care. The Veterans Health Care Funding Guarantee Act that I am introducing today would change the way in which the VA health care system is funded by moving it from discretionary to mandatory spending. The bill would establish a base-line funding year and calculate the average cost of a veteran using the VA health care system. The bill would them provide funding for the total number of veterans who participate in the VA health care system. That would be indexed annually for inflation.

In my opinion, the men and women who put their lives on the line in defense of this Nation should not be told that they need to wait up to a year before someone can assess their medical needs. I believe that the Veterans Health Care Funding Guarantee Act is an important starting point to begin a discussion about maintaining our commitments to our Nation's veterans. It is my hope that my colleagues will join me in examining new ways to provide our veterans with the high-quality health care they deserve.

By Mr. ALLARD:

S. 2905. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the elimination of the 60-month limit and an increase in the income limitation on the student loan interest deduction; to the Committee on Finance.

Mr. ALLARD. Mr. President, today I introduce legislation that will repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to student loan interest deduction. My bill will make permanent the provisions that are set to expire under current law on December 31, 2010. The affected provisions include the elimination of the 60-month limit on deductibility of interest paid on a qualified education loan and clarify that voluntary payments of interests are deductible, as well as the adjustment to the phase out range for eligibility for loan interest deduction up to $50,000 through $65,000 for single taxpayers and $100,000 to $130,000 for joint returns.

Making these provisions permanent will be good for taxpayers because borrowers will benefit from added tax relief when they voluntarily pay back

higher amounts of their student loans each month. More people will also benefit from the adjustment of the phase out range to a higher income bracket for both single and joint tax returns.

In my home State of Colorado over 40 percent of the adult residents have at least a Bachelor's degree, thus repealing the sunset date of these provisions will have a positive long term effect on my constituents. The current law is already helping many people and we can continue to help Americans keep more of their money by repealing the sunset date of these provisions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

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

SECTION 1. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ELIMINATION OF 60-MONTH LIMIT AND INCREASE IN INCOME LIMITATION ON STUDENT LOAN INTEREST DEDUCTION.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 412 (relating to elimination of 60-month limit and increase in income limitation on student loan interest deduction).''.

By Mr. BINGAMAN:

S. 2906. A bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Rural Four-Lane Highway Safety and Development Act of 2002. The purpose of this legislation is to ensure that States have the resources they need to upgrade major two-lane roads across the Nation to high-quality four-lane divided highways. The goals of this bill are to improve the safety of our most dangerous highways and to stimulate economic development in rural areas.

I think most Senators would agree that the Dwight D. Eisenhower National System of Interstate and Defense Highways is one of the transportation marvels of the 20th century. The system's 46,000 miles of divided highways interconnect virtually every major urban areas in the Nation. The system represents one of the most efficient and safest highway systems in the world.

Unfortunately, when the Interstate System was planned it left many rural communities and smaller urban areas without direct links to the high-quality transportation network that the interstate highways provide. Many of these smaller and rural communities continue to suffer economically because of the lack of high-quality four-lane highways.

To address this issue, in 1995 Congress developed the concept of a National Highway System as a way of extending the benefits of an efficient highway network to all areas of the country. Congress designated the National Highway System to help focus federal resources on the nation's most important roads.

Today there are about 160,000 miles on the National Highway System including all of the interstate highways and all other routes that are important to the nation's economy, defense, and general mobility. The NHS comprises only 4 percent of the nation's roads, but carries more than 40 percent of all highway traffic, 75 percent of heavy truck traffic and 90 percent of tourist traffic.

The NHS reaches nearly every part of the nation. According to the Federal Highway Administration, about 90 percent of American's population lives within 5 miles of an NHS route. All urban areas with a population of more than 50,000 and 93 percent with a population of between 5,000 and 50,000 are within 5 mile;s of the NHS. Counties with NHS highways have 99 percent of all jobs, including 99 percent of all manufacturing jobs, 90 percent of mining jobs, and 93 percent of agricultural jobs.

The NHS is the critical transportation link of most of our Nation's rural areas. According the Federal Highway Adminstration, of the 160,000 miles now on the National Highway System, fully 75 percent, or 119,000 miles, are in rural areas. Of the 1.2 trillion vehicle miles traveled in 2000 on NHS roads, about 60 percent were in rural areas.

I hope all senators will agree that improving highway safety should be our top priority. When it comes to highway safety, the fact that travel on four-lane roads is safer than two-lane roads. This is especially true in rural areas. According to the Bureau of Transportation Statistics, in 1998 the rate of traffic fatalities on all rural roads was 2.39 per 100-million vehicle miles; however, the rate of rural interstate highways was half as high, only 1.23 per 100 million vehicle-miles.

The reason for the lower fatality rate on rural interstate highways should be obvious. When a road has only one lane in each direction, trucks and other slow-moving vehicles increase the hazard of passing. Vehicles turning on or off a two-lane road can also increase risk. A divided four-lane highway greatly reduces these perils.

Of the 119,000 miles of rural NHS roads, about 33,000 miles are interstates and another 28,000 miles have been upgraded to four or more lanes. The remaining 58,000 miles, more than half of this rural highway network—are stil only two-lane roads with no central divider. These are the most dangerous roads on the National Highway System.

Unfortunately, there are only very limited funds available to upgrade the most dangerous two-lane rural NHS roads to four-lane highways. According to a recent GAO study, over two-thirds of all federal highways funding between 1992 and 200 has gone either to roads in urban areas or to interstate highways. Consequently, there is a continuing shortfall in Federal highway funding needed to upgrade the most important rural two-lane highways. My bill will help address the shortfall so that more rural segments of the NHS can be upgraded to four-lane divided highways.

In my State of New Mexico, we have made some progress toward upgrading our rural two-lane highways to four lanes. In recent years, US550 from Bernalillo to Farmington and US285 from Interstate 40 to Carlsbad have been widened to four lanes. In addition, upgrading of US70 from Las Cruces to Clovis and a key segment of US54 from El Paso to Alamogordo are nearly completed. But much more remains to be done.

New Mexico has 2,935 miles of rural roads in the NHS. One thousand of these NHS miles are interstates. Of the balance of New Mexico NHS highways, 1,755 miles are in the rural parts of my state, especially Chaves, Colfax, Eddy, Lincoln, Guadalupe, Otero, Quay, San Juan, and Union Counties. And almost 70 percent—1,217 miles, of New Mexico's rural NHS highways remain only two-lane roads. These two-lane roads are major transportation routes with heavy truck and commercial traffic. In 2000, a total of 10.3 billion vehicle miles were traveled on New Mexico's NHS highways, and about one quarter, or 2.7 billion miles, were traveled on these rural NHS roads.

As in many States, New Mexico's rural counties strongly believe their economic future depends on access to safe and efficient four-lane highways. Basic transportation infrastructure is one of the critical elements companies look for when choosing where to locate. Truck drivers and the traveling public prefer the safety and efficiency of a four-lane divided highway.

Thus one of the top priorities for rural cities and counties in my State is to complete the four-lane upgrade of such key routes as US54 from Tularosa to Nara Vista, US62/180 from Carlsbad to the Texas State line, US64/87 from Clayton to Raton, US 666 from north to Gallup to Shiprock, US285 from Clines Corners to Lamy, and US180 from Deming to Silver City. These two-lane rural routes in New Mexico not only bear some of the State's heaviest truck and automobile traffic, but also are some of the state's most dangerous. In fact, US 666 is considered one of the most dangerous two-lane highways in the Nation.

I ask unanimous consent that a table showing recent accident, fatality and injury rates for these major two-lane highways in New Mexico be printed in the RECORD.

EXHIBIT 1.—MAJOR TWO-LANE NHS HIGHWAYS IN NEW MEXICO

Two-lane NHS routes in New Mexico	Crashes 1998–2000	Fatalities 1998–2000	Injuries 1998–2000
US 62/180 Carlsbad to Texas State Line 30 miles	55	2	34
US 54, Tularosa to Texas State Line SPIRIT High Priority Corridor 214 miles	364	12	217
US 64/87 Raton to Clayton Ports-to-Plains High Priority Corridor 74 miles	163	5	157
US 666 North of Gallup to Shiprock 59 miles	148	12	166
US 180 Deming to Silver City 40.5 miles	60	3	50
US 285 Clines Corners to Lamy 37 miles	42	0	26
US 60/84 Santa Rosa to Ft. Sumner to Clovis 89 miles	97	6	54

Source: New Mexico State Highway and Transportation Department.

Mr. BINGAMAN. Mr. President, New Mexico is not alone in needing to upgrade two-lane roads on the National Highway System. Just last month my good friend Senator REID of Nevada, chaired a hearing of the Transportation, Infrastructure and Nuclear Safety Subcommittee of the Environment and Public Works Committee on the topic of western transportation issues. One of the witnesses, Tom Stephens, Director of Nevada's Department of Transportation, testified that rural two-lane highways are of special concern in Nevada. He indicated that the number of head-on accidents, which almost always include at least on vehicle with no fault, were especially troublesome in his state. I would note that Nevada has about 1,300 miles of rural two-lane NHS highways. Excluding interstates, 92 percent of the rural NHS miles in Nevada are still only two-lane roads.

Along with Nevada, many other States have long stretches of two-lane NHS roads. For example, Texas has over 3,400 miles of rural two-lane NHS roads. In Montana, 95 percent of all rural NHS roads are still only two lanes. Mr. President, I ask unanimous consent that a table showing the number of miles of rural two-lane highways in selected States be printed at this point in the RECORD.

EXHIBIT 2.—RURAL TWO- AND FOUR-LANE ROADS ON THE NATIONAL HIGHWAY SYSTEM FOR SELECTED STATES

State	Total rural NHS miles	Rural Interstate NHS miles	All other rural NHS miles	Two-lane rural NHS miles	Percent Rural Two Lane
Arkansas	2,253	467	1,786	1,465	83%
California	5,031	1,357	3,674	2,433	66%
Colorado	2,598	767	1,831	1,286	70%
Idaho	2,188	526	1,662	1,471	89%
Illinois	3,358	1,515	1,843	1,407	76%
Iowa	2,672	635	2,037	1,547	76%
Kansas	3,352	694	2,658	2,293	86%
Michigan	3,048	741	2,307	1,753	76%
Minnesota	2,213	557	2,581	1,897	73%
Missouri	3,385	806	2,579	1,853	72%
Montana	3,739	1,134	2,605	2,469	95%
Nebraska	2,686	437	2,249	1,964	87%
Nevada	1,921	480	1,441	1,317	92%
New Mexico	2,647	892	1,775	1,217	69%
North Dakota	2,619	531	2,088	1,659	79%
Oklahoma	2,836	721	2,115	1,105	52%
Oregon	3,259	581	2,678	2,197	82%
Pennylvania	3,459	1,207	2,252	1,426	63%
South Dakota	2,822	629	2,193	1,938	88%
Texas	8,736	2,213	6,523	3,465	53%
Wisconsin	3,240	580	2,660	1,702	64%
Wyoming	2,784	826	1,958	1,924	98%
U.S. total	118,878	33,048	85,830	58,444	68%

Source: FHWA, Highway Statistics 2000, Tables HM–15 and HM–35

Mr. BINGAMAN. Of course, two-lane rural NHS roads are not unique to the large western states. Even in the East, where states are smaller, many NHS routes remain only two lanes. In Vermont, 78 percent of rural NHS roads are only two lanes, in New Hampshire it's 84 percent and 99 percent in Maine.

Mr. President, I do believe it is time Congress took action to improve the safety of cars and trucks on these important two-lanes roads. This year, I secured $1 million in federal funding to begin the upgrade of US64/87 between Clayton and Raton, which is part of the Ports-to-Plains High Priority Corridor on the National Highway System.

In addition, Senator ROBERTS and I have introduced legislation to designate US Highway 54 from El Paso, Texas, through New Mexico, Texas, and Oklahoma to Wichita, Kansas as the SPIRIT High Priority Corridor. Our bipartisan bill has three cosponsors. A high-priority corridor designation provides no additional federal funding, but helps focus attention on the need to upgrade the nation's major two-lanes routes. The sponsors of the bill have joined me in urging the Environment and Public Works Committee to act promptly on our bill.

Mr. President, the purpose of the bill I am introducing today, the Rural Four-Lane Highway Safety and Development Act of 2002, is to provide direct federal funding to states to upgrade existing two-lane roads in rural areas to safe and efficient four-lane divided highways. The states would determine which two-lane roads they wanted to upgrade. To be eligible for funding, the highway must be on the National Highway System or a congressionally designated High Priority Corridor. In my bill, priority for funding is given to upgrading the most dangerous two-lane highways, routes most affected by increased traffic as a result of NAFTA, highways that have high levels of commercial traffic, and projects that will help stimulate regional economic growth. Total funding for six years is $1.8 billion from the highway trust fund.

Mr. President, I continue to believe strongly in the important role of highway infrastructure to economic development. Even in this age of the so-called ''new'' economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of our country.

I recognize that the funding level in this bill is not large enough to upgrade all of the remaining two-lane routes on the NHS in the course of the next six years. Upgrading an existing two-lane road to a full four-lane divided highway can cost upward of one million dollars per mile.

Moreover, some of the existing two-lane roads probably don't have sufficient traffic to justify upgrading at this time. In addition, some two-lane NHS routes pass through scenic areas where it may not be appropriate to upgrade to four lanes. However, I do believe the funding in this bill will take us a long way toward ensuring the most critical projects are completed in the next six years.

Mr. President, next year Congress must take up the reauthorization of the comprehensive six-year transportation bill, TEA–21. I am introducing this bill today to help ensure that the issue of the safety of rural two-lane NHS routes will receive the attention it deserves in the debate on reauthorization. I look forward to working with the chairman of the Environment and Public Works Committee, Senator JEFFORDS, and Senator SMITH, the ranking member, as well as Senators REID and INHOFE of the Transportation, Infrastructure and Nuclear Safety Subcommittee, to find a way to ensure additional federal resources are in place to begin the work of upgrading existing two-lane NHS roads to safe, efficient four-lane divided highways.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

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 ''Rural Four-Lane Highway Safety and Development Act of 2002''.

SEC. 2. RURAL 4-LANE HIGHWAY DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 138 the following:

''§ 139. Rural 4-lane highway development program

''(a) DEFINITIONS.—In this section:

''(1) 2-LANE HIGHWAY.—The term '2-lane highway' means a highway that has not more than 1 lane of traffic in each direction.

''(2) 4-LANE HIGHWAY.—The term '4-lane highway' means a highway that has 2 lanes of traffic in each direction.

''(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to make allocations to States for projects, consisting of planning, design, environmental review, and construction, to expand eligible 2-lane highways in rural areas to 4-lane highways.

''(c) APPLICATIONS.—To be eligible to receive an allocation under this section, a State shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

''(d) ELIGIBLE HIGHWAYS.—The Secretary may make allocations under this section only for projects to expand 2-lane highways that are on—

''(1) the National Highway System; or

''(2) a high priority corridor identified under section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032).

''(e) PRIORITY IN SELECTION.—In making allocations under this section, the Secretary shall give priority to—

''(1) projects to improve highway safety on the most dangerous rural 2-lane highways on the National Highway System;

''(2) projects carried out on rural highways with respect to which the annual volume of commercial vehicle traffic—

''(A) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (107 Stat. 2057); or

''(B) is expected to increase after the date of enactment of this section;

''(3) projects carried out on rural highways with high levels of commercial truck traffic; and

''(4) projects on highway corridors that will help stimulate regional economic growth and development in rural areas.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $300,000,000 for each of fiscal years 2004 through 2009.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 138 the following:

''139. Rural 4-lane highway development program.''.

By Ms. MIKULSKI (for herself, Mr. DASCHLE, Mr. LEAHY, Mr. SARBANES, Mrs. CLINTON, Mr. KENNEDY, Mr. AKAKA, Mr. TORRICELLI, Mr. JOHNSON, Mr. CORZINE, and Mr. SCHUMER):

S. 2907. A bill to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the ''Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center''; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce a bill to rename the Brentwood Postal Facility after Joseph Curseen, Jr. and Thomas Morris, Jr., the two postal workers who died in last year's anthrax attack.

I have expressed my deepest condolences to the families of these two men, both residents of my State of Maryland. They were true public servants. They were patriots. They died in service to their country. I want to you to know that I will be standing sentry to make sure that we do not forget Joe Curseen and Tom Morris.

America must remember the sacrifices they made, the pain felt by their families, and everyone affected by the anthrax attacks. All of our Nation's postal workers deserve our attention and our gratitude for their bravery, steadfastness and dedication to duty. The lives of Joseph Curseen, Jr. and Thomas Morris, Jr. truly exemplify the best qualities of our Nation's postal workers.

Joseph Curseen was a native of Washington, DC and a long-time resident of Prince George's County, MD. Mr. Curseen began and ended each day at his job with a handshake and a smile for his colleagues. He enjoyed his job at the postal service so much that he never called in sick during his 15 years there.

He was also a leader in his community and in his church. As President of his neighborhood association, he and his wife of 16 years, Celestine, helped build a playground and a park for local children. He was also active in his local church and led a bible study group for his fellow postal workers. He will be missed by many.

Mr. Morris, who known as ''Moe'' by his friends at the Brentwood facility, was also a Washington, DC native and long-time resident of Maryland's Prince George's County. He was a veteran, serving over four years in the Air Force. He continued his public service with 23 years at the U.S. Postal Service.

His wife Mary says he was a quiet and deeply religious man who led by example. In her eulogy, she said that he was true to others and true to himself. Mr. Morris was a beloved husband, grandfather, father, and stepfather as well as president of his local bowling league. He will also be deeply missed.

By renaming Brentwood in their honor, America will pay tribute to their commitment to public service, their families and their communities.

At their funeral, these two dedicated public servants were awarded the Postmaster General's Medal of Freedom. Yesterday, Representatives Wynn, Norton and the rest of the Maryland delegation led the charge to pass a bill to rename the Brentwood facility for these two fallen heroes. Today, the Senate takes the next step to make sure that the Brentwood facility is renamed in honor of these fallen heroes.

On Friday, I will be going to New York to commemorate last year's terrorists attacks, to honor our public servants, our firemen, postal workers, port authority workers, EMTs, policemen, and all those who assisted in the rescues.

I want all postal workers to know that I am on their side. I will not forget how deeply they have suffered. I will continue to fight for them in Congress and make sure that their voice is heard.

It is our responsibility as United States Senators to ensure the right people are asking the right questions to protect all Americans from the risks of terrorism, and to ensure that all Americans who are victims of terrorist attacks are treated equally.

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

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

SECTION 1. JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., and known as the Brentwood Processing and Distribution Center, shall be known and designated as the ''Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mr. KOHL, Mr. REID, Mr. SARBANES, Mr. TORRICELLI, and Mr. JEFFORDS):

S. 2908. A bill to require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today, I am introducing the Weapons of Mass Destruction Civil Support Act of 2002. This bill would require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team, WMD-CST, in each State by September 30, 2003. The cost of establishing, training, equipping, and operating these new teams would be paid for from existing fiscal year 2003 resources, thus requiring no additional spending.

I am pleased to be joined in this effort by Senators LEAHY, LIEBERMAN, KOHL, REID of Nevada, SARBANES, TORRICELLI, and JEFFORDS.

WMD–CSTs are comprised of 22 full-time National Guard personnel who are specially trained and equipped to deploy and assess suspected nuclear, chemical, biological, or other threats

in support of local first responders. There are currently 32 full-time and 23 part-time WMD–CSTs across the country.

The emerging chemical, biological, and other threats of the 21st century present new challenges to our military and to local first responders. The WMD–CSTs play a vital role in assisting local first responders in investigating and combating these new threats. The September 11 terrorist attacks emphasize the need to have full-time WMD–CSTs in each State. As the events of that day so clearly and tragically demonstrated, local first responders are on the front lines of combating terrorism and responding to other large-scale incidents. As we rethink the security needs of our country, we should support the creation of an additional 23 full-time WMD–CSTs as soon as possible. Establishing these additional full-time teams will improve the overall capability of Wisconsin and the other 18 States with part-time teams to prepare for and respond to potential threats in the future.

According to the National Guard Bureau, WMD–CSTs performed 694 operational missions between September 11, 2001, and August 26, 2002. These missions fall into three categories: ''response,'' ''standby,'' and ''assist.''

Response missions occur when a team is deployed to sample a suspected or known hazardous substance. Since September 11, WMD–CSTs have deployed on 151 response missions, most of which were to investigate reports of suspicious white powder in the wake of the anthrax attacks of last fall. Other response missions included reports of the presence of unknown liquids or of suspicious pieces of mail.

There have been 74 standby missions during this same time frame. On these missions, WMD–CSTs deploy to provide expertise to a specific community for the visit of a dignitary such as the President or a Governor, or for a large-scale event. In the past year, WMD–CSTs have been on standby for events including the Major League Baseball All-Star Game in Milwaukee, the 2002 Winter Olympics and Paralympics in Salt Lake City, the World Series, the Super Bowl, and Mardi Gras.

Assist missions give WMD–CST members the opportunity to use their technical expertise to assist or provide advice to local first responders or other organizations and to participate in conferences and other events that focus on how to respond to attacks. In the past year, CSTs have performed 469 assist missions in support of local, State, and Federal agencies including law enforcement, hospitals, health departments, state emergency management agencies, the American Red Cross, the Coast Guard, the Secret Service, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the United States Navy.

As I noted earlier, a WMD–CST was deployed to be on standby during this year's baseball All-Star game, which took place in my home State. Because Wisconsin has only a part-time WMD–CST, the Minnesota team was deployed on a standby mission to Milwaukee for this event. The members of Wisconsin's part-time WMD–CST also participated in this deployment. According to the Wisconsin National Guard, if Wisconsin had a full-time team, deployment of the Minnesota team would not have been necessary.

In light of the tragic events of September 11, the presence of at least one WMD–CST in each State is all the more imperative. These terrorist attacks, and the subsequent mobilization of tens of thousands of National Guardsmen and Reservists, also underscore the need to provide adequate resources for and to ensure full-time manning of the National Guard. As we move to establish at least one 22-member WMD–CST in each State, I call on the Pentagon to allocate the necessary resources to ensure adequate National Guard personnel end-strengths to provide for full-time manning and for the additional personnel necessary for these new teams.

I am pleased that this bill is supported by the Wisconsin National Guard and by the National Guard Association of the United States.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

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 ''Weapons of Mass Destruction Civil Support Team Act of 2002''.

SEC. 2. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM IN EACH STATE.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that there is established, by not later than September 30, 2003, at least one Weapons of Mass Destruction Civil Support Team in each State.

(b) DEFINITIONS.—In this section:

(1) The term ''Weapons of Mass Destruction Civil Support Team'' means a team that—

(A) provides support for emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction (as defined in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302)); and

(B) is composed of members of National Guard who are performing duties as members of the team under the authority of subsection (c) of section 12310 of title 10, United States Code, while serving on active duty as described in subsection (a) of such section or on full-time National Guard duty under section 502(f) of title 32, United States Code.

(2) The term ''State'' includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) FUNDING.—The costs of establishing Weapons of Mass Destruction Civil Support Teams to comply with the requirement in subsection (a), and the costs of training and equipping the teams established to comply with such requirement, may be paid (to the extent properly allocable on the bases of purpose and period of availability) out of funds authorized to be appropriated for fiscal year 2003 for purposes as follows:

(1) For the Army, for—

(A) military personnel;

(B) operation and maintenance;

(C) other procurement; or

(D) military construction.

(2) For the Air Force for military personnel.

(3) For the Department of Defense for the chemical and biological defense program.

By Mr. SMITH of Oregon:

S. 2909. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for qualified tuition and related expenses and to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to such deduction and the extension of the exclusion for employer-provided education assistance; to the Committee on Finance.

Mr. SMITH of Oregon. Mr. President, I come to the floor today to introduce the College Tuition Relief Act of 2002, a bill that will go a long way toward easing the burden of college tuition fees for parents and students across the country.

When President Bush signed the Economic Growth and Tax Relief Reconciliation Act last year, millions of hard working Americans finally got to keep more of their own money so that they could spend it in ways that helped their families most. Too often forgotten, though, is the fact that none of the provisions in that important tax relief bill is permanent. All will expire in a few short years, and, unless we act soon, the American taxpayers will have to adjust their budgets to account for higher taxes once again.

Included in last year's tax relief legislation were two provisions that are of the utmost importance to families and young students struggling to pay the ever-increasing costs of higher education. The first allows taxpayers to deduct as much as $4000 of their college tuition expenses from their taxes every year; the second allows individuals to exclude as much as $5250 in employer-provided education assistance from their taxes, a critically important benefit for a great many Americans attempting to balance school with work, family, and limited budgets.

Because of an unfortunate quirk in the law, both of these provisions will expire after only a few years, and future generations of young people will not receive the benefits of a more affordable education. The solution to this problem is simple: we should make these provisions permanent. My bill does just that. The College Tuition Relief Act of 2002 will simply ensure that future college students will be able to count on their government to support them as they work towards attaining a good education.

The two provisions that this bill will make a permanent part of our tax law have always received broad bipartisan support, and I am confident that none of us wants to take back the help we are currently giving to college students

and the families who so often contribute to their tuition. Even my colleagues who did not vote for last year's tax relief should find it easy to support this bill and, along with it, our Nation's college students.

I ask unanimous consent that the text of the Bill be printed in the RECORD.

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

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 ''College Tuition Relief Act of 2002''.

SEC. 2. PERMANENT DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) PERMANENT DEDUCTION.—

(1) IN GENERAL.—Section 222 of the Internal Revenue Code of 1986 (relating to qualified tuition and related expenses) is amended by striking subsection (e).

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 222(b)(2) of such Code (relating to applicable dollar limit) is amended by striking ''2004 AND 2005.—In the case of a taxable year beginning in 2004 or 2005,'' and inserting ''2004 AND THEREAFTER.—In the case of any taxable year beginning after 2003,''.

(b) REPEAL OF SUSPENSION.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 431 (relating to qualified tuition and related expenses).''.

SEC. 3. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 411 (relating to modifications to extension of exclusion for employer-provided educational assistance).''.

By Mr. HUTCHINSON (for himself, Mr. GREGG, Mr. KYL, Mr. CRAIG, Mr. MURKOWSKI, Mr. ALLARD, and Mr. MCCAIN):

S. 2911. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the modifications to education individual retirement accounts; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I am pleased to rise today to make permanent a provision included in last year's tax bill, the Coverdell education savings accounts. Congress took an important step last year in providing real options for parents to save for their children's elementary, secondary, and postsecondary educations. It is important now that we ensure that these options do not disappear in the future.

Coverdell education savings accounts provided a new way for parents to save for their child's education. Accounts were increased to a maximum of $2,000, and parents can now use the tax-free savings for not only a college education, but also for elementary and secondary school expenses, including tuition, books, computers, and tutoring. Earnings on contributions to this plan are tax-free due to the tax bill that was passed last year. Now, it is time to continue this commitment to our children.

Parents who want to open an education savings account this year for their child who is five years old have no guarantee that those accounts will exist beyond 2010. Last year's tax bill, as we know, sunsets in 2010. But for this program, parents need to be assured that money they are saving now will be available for college tuitions in 2011 and beyond. With the cost of higher education rising faster than family income, we need to ensure that these saving tools will be available for years to come for families who are preparing for their future and being smart about their money. The average cost of tuition and fees between the 1989–1990 and 2001–2002 school years rose by 8 percent a year at 4-year private colleges and 10 percent a year at 4-year public colleges, while family income rose by only 5 percent annually during that same time period.

Parents should have the assurance that accounts that are started now, and that would not be tapped into for ten to fifteen years, would still be around at that time.

I have started education savings accounts for my grandchildren, who are all infants and toddlers, and I want to know that they will be able to use this money years down the road for elementary or secondary schools or for their college education.

We need to make this benefit permanent now to ensure savings incentives for years to come.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

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

SECTION 1. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 401 (relating to modifications to education individual retirement accounts).''.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. WELLSTONE, and Mr. REED):

S. 2912. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce the Student Bill of Rights. This bill is critical to ensuring that every child in America receives the educational opportunity that is the foundation of America's promise of equal opportunity for all.

This bill would hold States accountable for providing the fundamentals of education—including highly qualified teachers, principals, and academic support personnel, challenging curricula, small classes, current textbooks, quality libraries, up-to-date facilities and technology, and capable guidance counselors to students at all schools in the State. Current law requires that schools within the same district provide comparable educational services. This bill would extend that basic protection to the State level by requiring comparability across school districts. And, this bill would help ensure that states comply with State or Federal court orders concerning the fairness of their public school systems.

I want to thank Senators KENNEDY, WELLSTONE, and REED for joining me in introducing this bill and for their longstanding commitment to this issue. I also want to thank Representative CHAKA FATTAH, of Philadelphia. Representative FATTAH is a leader in the fight for educational opportunity for all. He and I have worked together closely on this issue, and he is introducing a similar Student Bill of Rights in the other body today.

Nearly 50 years after Brown v. Board of Education, our educational system remains largely separate and unequal. Whether an American child is taught by a high quality teacher in a small class, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education, still depends on where the child's family can afford to live. In fact, the United States ranks last among developed countries in the difference in the quality of schools available to wealthy and low-income children.

This is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to achieve academically, to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

Last year, Democrats and Republicans worked closely with President Bush to pass the No Child Left Behind Act, to hold schools accountable for closing the achievement gap for low-income students, minority students, limited-English proficient students, and students with disabilities and to hold them accountable for all students performing at a high level.

I commend the President for his interest in education. Holding schools to high standards of student achievement is critical. But, it's not the same as reaching those standards. If we don't

make sure that every school has the tools it needs, we will be like parents with two children telling them that they expect both children to work hard and do well in school, but that they will only help one of them with their homework, will only allow one of them to use the family's encyclopedia or computer, and will only allow one of them to study in their warm room, while the other must study in the unheated basement.

I know that States have made some progress over the years in leveling the playing field, and that they are facing terrific budgetary pressures. And, I know that the Federal Government is facing budget deficits instead of surpluses, but providing enough resources for education shouldn't be a choice. We don't, and we shouldn't, say that ''We'd like to do more about national security, but times are tough.'' We can't accept that argument for education, either.

This bill does not represent a radical notion. This Congress and last, 42 Senators and 183 Representatives voted for similar legislation that Mr. FATTAH and I offered. A radical notion is the idea that a country founded on the principal of equal opportunity for all can continue to accept an educational system that provides real educational opportunity for just a select few.

That's not to say that only states have to do better. The No Child Left Behind Act rightly requires school districts and schools to do more, and we need to do much, much more in Washington to fulfill our role in this process. More than 90 percent of America's children rely upon public schools, yet less than 2 percent of our entire federal budget is spent on helping our grade schools and high schools. That's only about 7 percent of all education spending.

When he signed the No Child Left Behind Act this January, President Bush promised that the Federal Government would make sure schools have the resources necessary to meet the new law's requirements. But, in February, with the ink on the new law not yet dry, the President sent his education budget to Congress and the resources were not there. In fact, the President took an enormous step backward by proposing to cut Federal support for the No Child Left Behind Act.

For example, more than ten million low-income children attend schools in areas that are eligible for Federal assistance to hire and train teachers and buy textbooks, computers, and other school necessities. The President's education budget would provide only 40 percent of the assistance that these schools need, leaving more than six million children behind. The President's budget also fails to even come close to fully funding the Federal Government's commitment to special education, leaving families and local communities struggling to make up the difference. We will never close the achievement gap as long as our Nation's most disadvantaged students in the neediest schools are forced to make do with far less than other students.

At the same time, the President wants to take nearly $4 billion away from these students and these schools to fund private school vouchers. Private schools provide many children with a good education, but for America to continue to succeed as a Nation, our public schools must also succeed.

And, the way to help them succeed is not to drain resources from them in the vain hope that the answer lies elsewhere, but by making sure that every public school has the resources to provide our children with the education they need and deserve, through measures such as the Student Bill of Rights, fully funding Title I and special education, and others.

In the end, this is about the simple fact that the quality of a child's education shouldn't be determined by the digits of their zip code. This measure corrects that inequity by ensuring that each and every child's school has the resources to provide them with a decent education, and in turn, an equal opportunity for a successful future.

And so, I urge my colleagues to join me in supporting the Student Bill of Rights.

I ask for unanimous consent that the text of the bill be printed in the RECORD.

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

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 ''Student Bill of Rights''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

Sec. 101. State public school systems.
Sec. 102. Fundamentals of educational opportunity.

Subtitle B—State Accountability

Sec. 111. State accountability plan.
Sec. 112. Consequences of failure to meet requirements.

Subtitle C—Report to Congress and the Public

Sec. 121. Annual report on State public school systems.

Subtitle D—Remedy

Sec. 131. Civil action for enforcement.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

Sec. 201. Effects on economic growth and productivity.
Sec. 202. Effects on national defense.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.
Sec. 302. Rulemaking.
Sec. 303. Construction.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(vi) Job placement and retention rates and indices of job quality.

(3) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(4) Since 1785, Congress, exercising the power to admit new States under section 3 of article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(5) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that ''the opportunity of an education . . . , where the State has undertaken to provide it, is a right which must be made available to all on equal terms'', courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(6) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(7) In 1999, the National Research Council of the National Academy of Sciences published a report entitled ''Making Money Matter, Financing America's Schools'', which found that the concept of funding adequacy,

which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(8) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, ''A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity.'' (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001))

(9) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including ''experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as . . . the funding necessary to secure these resources''; and

(B) these inadequacies are ''particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.''.

(10) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001–2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(11) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(12) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(13) According to the World Economic Forum's Global Competitiveness Report 2001-2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(14) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(15) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(16) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 111(a)(1)(A) to students at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

Subtitle B—State Accountability

SEC. 111. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation

with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of the fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2001–2002 school year, each public elementary or secondary school in the State shall have high access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) DISAPPROVAL.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) WAIVER.—

(1) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 112. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For a fiscal year and a State described in section 111(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) DEFINITION.—In this subsection, the term ''covered goal'', used with respect to a fiscal year, means an interim yearly goal described in section 111(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) CONSEQUENCES OF NONREMEDIATION.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 111(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 111(b)(2), the Secretary shall withhold from the State not more than 33 ⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) CONSEQUENCES OF NONCOMPLIANCE WITH COURT ORDERS.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33 ⅓ percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs.

(d) DISPOSITION OF FUNDS WITHHELD.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

Subtitle C—Report to Congress and the Public

SEC. 121. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 111(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 111(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 111(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 111(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

Subtitle D—Remedy

SEC. 131. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUCTIVITY.

(a) STUDY.—The Commissioner of Education Statistics, in consultation with the Secretary of Commerce, Secretary of Labor, Secretary of the Treasury, and the National Research Council of the National Academy of Sciences, shall conduct a comprehensive study concerning the effects on economic growth and productivity of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the economic costs to the Nation resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a);

(2) the economic gains to be expected from States' compliance with the requirements of section 101(a); and

(3) the costs, if any, of ensuring that each State maintains a public school system that meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

SEC. 202. EFFECTS ON NATIONAL DEFENSE.

(a) STUDY.—The Commissioner of Education Statistics, in consultation with the Secretary of Defense, shall conduct a comprehensive study concerning the effects on national defense of ensuring that each State public school system meets the requirements of section 101(a). Such study shall include assessments of—

(1) the detriments to national defense resulting from the maintenance by States of public school systems that do not meet the requirements of section 101(a), including the effects on—

(A) knowledge and skills necessary for the effective functioning of the Armed Forces;

(B) the costs to the Armed Forces of training; and

(C) efficiency resulting from the use of sophisticated equipment and information technology; and

(2) the gains to national defense to be expected from ensuring that each State public school system meets the requirements of section 101(a).

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Education Statistics shall submit to Congress a final report detailing the results of the study required under subsection (a).

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', ''highly qualified'', ''core academic subjects'', ''parent'', and ''average per-pupil expenditure'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term ''Federal elementary and secondary education programs'' means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term ''public school system'' means a State's system of public elementary and secondary education.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 302. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

SEC. 303. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 322—DESIGNATING NOVEMBER 2002, AS ''NATIONAL EPILEPSY AWARENESS MONTH''

Mrs. LINCOLN (for herself, Ms. COLLINS, Ms. LANDRIEU, Mr. HUTCHINSON, and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 322

Whereas epilepsy is a neurological condition affecting 2,300,000 people in the United States;