



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, TUESDAY, MAY 8, 2001

No. 62

## Senate

The Senate met at 9:30 a.m. in executive session and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

### PRAYER

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

Almighty God, thank You for the exciting expectation that surges within us when we realize that You want to bless us with Your love, strength, and wisdom. It is Your way always to go beyond what You have done before. You do not measure Your generosity by our goodness or the eloquence of our prayers, but You give more grace as the challenges grow greater. All You require is that we desire a relationship with You, the Giver, as much as we desire the blessings You give. You guide the humble and teach them the way to go, how to decide on issues, and how to speak truth with love.

Lord, bless the Senators with Your maximizing power for the challenges, decisions, and responsibilities of this day. We join them in praying with the psalmist, "God be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on earth."—Psalm 67:1-2. May Your shining face be reflected in our faces, radiant with joy and confidence for the demands of today. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The senior assistant bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 8, 2001.

### To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,  
*President pro tempore.*

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### NOMINATION OF JOHN ROBERT BOLTON OF MARYLAND TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of John Robert Bolton of Maryland to be Under Secretary of State for Arms Control and International Security.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the time until 10:15 is reserved for proponents and opponents of this nomination; is that true?

The ACTING PRESIDENT pro tempore. Under the previous order three Senators each control 15 minutes.

Mr. REID. Senators DORGAN, BIDEN, and HELMS, is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. REID. I ask unanimous consent the time on the quorum call I will sug-

gest be divided equally among the three Senators.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, how much time am I allowed?

The ACTING PRESIDENT pro tempore. Twelve minutes.

Mr. DORGAN. Mr. President, the Senate will vote this morning on the nomination by President Bush of Mr. John Bolton to be Under Secretary of State for Arms Control.

This is a terrible nomination. I indicated yesterday that I don't know Mr. John Bolton. I have not met him. But I have read a great deal about what he said about a number of issues. To nominate Mr. John Bolton to be Under Secretary of State for Arms Control defies logic.

Arms control is a very important subject. The question of whether this country is going to assume the responsibility to lead internationally in stopping the spread of nuclear weapons is a very important question.

Are we going to be a world leader in stopping the spread of nuclear weapons or not? Are we going to be a leader in trying to make this a safer world? Are we going to be a leader in trying to reduce the number of nuclear weapons that exist in this world?

The answer from the President, it seems to me, in sending this nomination to the Senate is no; we don't intend to lead on anything. We intend to do our own thing notwithstanding what

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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anybody else thinks about it, and notwithstanding the consequences with respect to the reduction of additional nuclear weapons and delivery systems.

Mr. Bolton has virtually no experience in the field of arms control. He has never served in an arms control position in any form. He is qualified perhaps for the dismantling of the systems of arms control as we know it. But he is not the person we would want consulting on arms control with our allies, and he is not the person we want negotiating treaties.

Mr. Bolton has expressed disdain for arms control and those who promote it. Let me give you some examples.

We had a debate on the floor of the Senate a year and a half ago on the subject of a comprehensive nuclear test-ban treaty. Our country has already decided to stop testing nuclear weapons. We decided that in the early 1990s. So the question wasn't for us. We had already decided to stop testing nuclear weapons. The question was whether we would join in a treaty with many other countries around the world—a treaty that has something like 150 different signatories. Would we join in that treaty to try to stop others from testing nuclear weapons? Regrettably, the answer by this Senate was no; we don't want to do that.

I think it was a terrible mistake. What an awful day for the Senate to say no. We stopped nuclear testing, but we don't want to join in a treaty to try to promote others to stop nuclear testing. What an awful thing for the Senate to do. The Senate has a right to do that. Of course, I think it was an awful mistake.

What happened when we turned down the Comprehensive Nuclear Test-Ban Treaty? Mr. John Bolton says the supporters of the Comprehensive Nuclear Test-Ban Treaty are timid and neopacifists. That is the way he described those who support efforts to have an international treaty to stop nuclear testing.

Then he states on the issue of treaties and arms control and so on that international law is not really law at all.

Quoting him, "While treaties may be politically or even morally binding, they are not legally obligatory. They are just not law as we apprehend the term."

That is a statement by Mr. Bolton.

He says with respect to our allies who try to put pressure on us to pass the Comprehensive Nuclear Test-Ban Treaty, that the Canadian Premier is "moral posturing." The Sun calls Mr. Bolton one of "Tony Blair's strongest critics." He says, "The Europeans can be sure that America's days as a well-bred doormat for EU political and military protections are coming to an end."

Then he gloated at the end of the Comprehensive Nuclear Test-Ban Treaty and its defeat, and said the Comprehensive Nuclear Test-Ban Treaty is dead.

He has been highly critical of the agreed-upon framework under which North Korea pledged to free its nuclear weapons program, and he says the United States suffers no downside if we never normalize relations with North Korea. Certainly South Korea and Japan, our friends, don't agree with him.

He thinks the United States should not give Taiwan diplomatic recognition as an independent country, in contradiction of several decades of official American policy. He says we have no vital interest in Kosovo or the rest of the Balkans. Tell that to the Europeans and the U.S. troops whose presence there stopped the genocide and stopped the killing of thousands or perhaps tens of thousands of people.

I think the world is going to see, if the Senate confirms this nomination, that Mr. Bolton's appointment is another sign of the President's hard line on these issues, as a unilateral policy to abandon ABM, or to get rid of the ABM Treaty, or ignore it, build a destabilizing national missile defense system, ignore the Kyoto treaty, abandon talks with North Korea, and oppose the international criminal court and the international landmine convention.

I think the signal is going to be quite clear if this Senate agrees with this President and puts John Bolton in as Under Secretary for Arms Control.

He comes to this position with very little experience, and with an attitude about these issues that is antithetical to the progress that we are making in these areas.

I mentioned that we have tens of thousands of nuclear weapons in this world. Russia has somewhere perhaps between 20,000 and 30,000 strategic and theater nuclear weapons. We have tens of thousand of nuclear weapons. There are a handful of other countries that have joined the nuclear club and have access to nuclear weapons. Many other countries want to possess nuclear weapons and are achieving and aspiring to try to get nuclear weapons. Some terrorists want nuclear weapons.

The question is, Will our country for our security and the security of the world provide a leadership role in trying to stop the spread of nuclear weapons? Will we be aggressive and vigilant? Will we be world leaders on this issue? Not if we decide to confirm the nomination of John Bolton. He is not someone who believes in arms control. He is not someone who believes in arms reduction.

The fact is, we have reduced the number of nuclear weapons not nearly far enough, but we have reduced the number of nuclear weapons in this world through the arms control agreements we have had with the old Soviet Union and now Russia.

The fact is, we have sawed the wings off Soviet bombers and long-range bombers. We have dismantled them. We have dismantled their submarines. We have dismantled their nuclear warheads? Why? Because we and the Rus-

sians have agreed upon a regimen of reducing nuclear weapons. Are we going to stop all of that? Are we going to make more and more determined efforts to continue it and do even more?

In my judgment, we should continue this approach. In my judgment, this leads to a safer world.

But we have now this nomination that comes to us today that is very distressful—having an administration put someone in a position whose job it is to deal with the issue of arms control who doesn't believe in arms control, who doesn't believe in treaties, who doesn't believe in a regimen of trying to stop nuclear testing, and believes that treaties and agreements have no legal impact at all and no effect.

He believes that we should just go it alone, apparently, notwithstanding what others want or say.

We are going to move into a very delicate and very difficult circumstance very soon. In addition to their being tens of thousands of nuclear weapons that now exist in this world and precious little effort to try to reduce them, and turning away from basic arms control agreements, including the ABM Treaty which has been the centerfold in attempts that have resulted in arms reduction—in addition to all of that—apparently we are deciding to build a national missile defense system to protect against a less likely threat: a rogue nation or a terrorist acquiring an ICBM, loading it with a nuclear tip and sending it to this country.

They are much more likely to load a pick-up truck with a nuclear bomb and threaten this country.

If we build a national missile defense and say it doesn't matter what others do, ignore nuclear arms treaties resulting in larger buildups and more weapons and delivery vehicles by the Russians, the Chinese and others, will we be safer, and will the world be safer with a national missile defense system to protect us against a Russian threat, or against a Chinese threat? The answer is clearly no.

My feeling is that we are at a moment in time in this country that is very important. We have reached the moment in this world that is very important. We have seen an explosion of nuclear weapons by Pakistan and India—two countries that don't like each other. They are building nuclear weapons.

We have seen circumstances with the Chinese and the Russians and the Europeans, and the others, who are concerned about us going it alone. As a columnist for the Washington Post said: Built to suit our interests and damn the other interests. It doesn't matter what the others think.

That, in my judgment, is very troubling, to try to find a way to have world leadership to stop the spread of nuclear weapons and to provide world leadership to reduce the number of nuclear weapons.

Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota has 1 minute 45 seconds.

Mr. DORGAN. Mr. President, I know others wish to speak today, and I spoke at some length yesterday about this issue. But I want to end by saying the following: All I know about this nominee is what he has said, what he has established as a public record. It is, in my judgment, antithetical to what we ought to aspire to be and what we ought to aspire to see from someone in the position we expect to provide leadership on arms control.

He, in fact, in my judgment, will not and cannot because he does not believe in arms control. He does not believe in doing this on the basis of reaching out with others to try to reduce the number of nuclear weapons with treaties and arms control agreements. He does not believe in trying to stop the testing through treaties of nuclear weapons, the Comprehensive Nuclear Test-Ban Treaty.

In my judgment, if this Senate sees fit today to vote positively on this nomination, we will have taken a significant step backwards. We will have impeded the efforts of this country to be a world leader in areas that really matter.

I hope the Senate will think long and hard about this and decide to tell the President this nomination is not appropriate for the position of Under Secretary of State for Arms Control.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, in a few moments, the Senate will vote on the President's nomination of John Bolton for Undersecretary of State for Arms Control and International Security. I am under no illusions about the fact that Mr. Bolton will be confirmed for this position. But I will vote against him, because I believe his views on the issues for which he will have responsibility are inconsistent with the best interests of the United States.

President Bush has promised to work with our friends and allies to build a new framework for U.S. policies on arms control and international security. But his nomination of John Bolton to be the principal advisor to the Secretary of State on these issues is just one of many steps that have sent a decidedly mixed message about his commitment to pursuing a thoughtful, cooperative approach.

In the last several weeks, President Bush has withdrawn the United States from the Kyoto Protocol, sent the South Korean President home with no commitment that we will continue to work on reducing the dangers from North Korea's ballistic missile program, reversed a more than 20-year-old United States policy that has kept the peace in the Taiwan Strait, and announced that the United States will no longer concern itself with negotiations to control and reduce the strategic nuclear arsenal of the former Soviet Union. Last week, in what will assuredly not be the last evidence of

growing concern and impatience with U.S. unilateralism, we were voted off the U.N. Human Rights Commission, to the delight of human rights abusers everywhere. This growing unilateralism is very troubling to those of us who understand that the interests of the American people are best protected when we work in concert with others on common interests and problems.

Senate confirmation of John Bolton to be Undersecretary of State for Arms Control and International Security will be another serious blow to U.S. leadership on these important issues. Over the last 8 years, John Bolton has expressed extreme views on a wide range of U.S. foreign policy issues. He has belittled the United Nations, referred to supporters of the Comprehensive Test Ban Treaty as neo-pacifists, labeled our closest allies "appeasers" for opposing sanctions policy also opposed by Vice President CHENEY, and questioned whether the United States is ever legally bound by its treaty obligations.

I find John Bolton's views most troubling on the arms control issues over which he will exercise a great deal of influence in this position. He is a staunch opponent of important treaties—including the Comprehensive Test Ban Treaty, the ABM Treaty, and the Ottawa Convention banning anti-personnel land mines which he has criticized as unenforceable, while at the same time opposing the development of international enforcement mechanisms. His antagonism to arms control threatens the Nuclear Non-proliferation Treaty (NPT), a cooperative, verifiable agreement that has effectively kept the nuclear weapons club to very low numbers for more than three decades span. But future international participation in the NPT is inextricably tied to the stability of treaties that Mr. Bolton has condemned. So too is the success of our cooperative nuclear threat-reduction measures with Russia.

Mr. Bolton has also consistently advocated that the United States give diplomatic recognition to Taiwan, a position at odds with decades of U.S. policy and with President Bush's declared One China stance. From 1994–1996, the Taiwanese government paid \$30,000 to Mr. Bolton for several papers on Taiwan and the U.N. It is troubling that during this time Mr. Bolton testified about this same issue before two House subcommittees. Should he be confirmed, Mr. Bolton will play a major role in overseeing United States arms sales to Taiwan, one of the most important—and most potentially volatile—issues in United States policy toward Asia. While the State Department has signed off on ethical questions surrounding this possible conflict of interest, I believe United States arms sales policy toward Taiwan can not help but be affected—least in perception, if not in fact—by Mr. Bolton's past relationship with the Government of Taiwan.

On another issue of great importance to stability in Asia, Mr. Bolton has

criticized the Clinton administration's efforts to freeze North Korea's nuclear and ballistic missile programs as "egregiously wrong." This despite the undisputed facts that the 1994 Agreed Framework has successfully stopped Pyongyang's nuclear program and more recent talks have convinced North Korea to unilaterally suspend its missile tests until 2003.

President Bush is now reviewing United States policy toward North Korea, which I hope will conclude with a decision to continue talks with Pyongyang about the future of its missile program. While I am sympathetic to the President's desire to review past policy, I believe it would be mistake to walk away from a dialogue that holds out the possibility of a verifiable agreement to freeze North Korea's missile program and halt their missile sales. John Bolton has taken a dismissive view of the value of dialogue with Pyongyang, and I am deeply concerned that adding his voice to the administration's debate on this issue will further undermine the United States interest in advancing peace and stability on the Korean Peninsula.

Finally, while Mr. Bolton's testimony before the Foreign Relations Committee seemed to suggest that his current views are more moderate than his writings indicate, I remain perplexed by the question of what views he will take with him into this administration. This is not an academic or inappropriate issue to raise. While, ultimately, Mr. Bolton's personal opinions will be subsumed by the decisions of the Secretary of State and the President, he will have an enormous amount of influence in the policy debates that shape those decisions. I find it difficult to imagine that a man who has dedicated his life to public service on behalf of a set of values that he has taken the time to articulate in public writings will suddenly cease to advocate on behalf of those values at exactly the moment when his ability to influence public debate is at its zenith.

Mr. President, the United States has a strong interest in maintaining and advancing transparent, verifiable arms control regimes and stopping the proliferation of weapons of mass destruction. These issues are far too important to be left in the hands of a man who has denied their very legitimacy. I urge my colleagues to vote against this nominee.

Mr. LEAHY. Mr. President, the Constitution gives the Senate the power to advise and consent on the President's nominations. This is a responsibility that I take very seriously. While I believe the President is entitled to the benefit of the doubt when selecting the senior members of his team, the Senate is not a rubber stamp, and there are times where a careful review leads one to the conclusion that a nomination must be opposed.

President Bush has made some excellent choices for several of the top foreign policy positions in his administration—from Colin Powell for Secretary

of State to Howard Baker for Ambassador to Japan. But the nomination of Mr. Bolton is not one of those choices. I will oppose the nomination of John Bolton for the position of Under Secretary of State for Arms Control and International Security, because I have serious concerns about Mr. Bolton's experience, his diplomatic temperament, and his record.

Before proceeding further, it should be stated that it is becoming increasingly clear that there is a double standard in the Senate's treatment of President Bush's nominees and those of President Clinton. During the Clinton administration, nominations often languished for months—and in some cases years—before the Senate, without ever coming to the floor for a vote. However, when Democrats object to a Bush administration nomination, Republicans cry foul and accuse Democrats of not playing by the rules.

This double standard is evident with this nomination. President Clinton's choice for Under Secretary for Arms Control and International Security was John Holum. After being confirmed by the Senate by voice vote, Mr. Holum served as Director for the Arms Control and Disarmament Agency, ACDA, for 6 years. When ACDA was going to be folded into the State Department, President Clinton made a sound decision to nominate Mr. Holum to be the Under Secretary of State for Arms Control and International Security. Despite his qualifications, a few Republicans blocked John Holum's nomination for nearly 2 years, successfully preventing a vote. This stands in stark contrast to President Bush's selection for the very same position. The nomination of Mr. Bolton—who unlike Mr. Holum is not well qualified for this position—is being voted on by the full Senate after just 2 months.

The first reason that I oppose this nomination is because Mr. Bolton does not have the requisite experience for the job. I am aware that he has some solid foreign policy credentials, previously serving on the Commission on International Religious Freedom, as Assistant Secretary of State for International Organization Affairs, and as Assistant Administrator of USAID for Program and Policy Coordination. But John Bolton has been nominated for the senior position at the State Department responsible for supervising and managing complicated negotiations for arms control and nonproliferation issues. In these areas, his experience is seriously deficient.

This is no time to learn on the job. We are confronted by a complex and rapidly changing security environment, which will require sensitive diplomatic negotiations and consultations on a wide range of international security matters with our friends, allies, and adversaries. We need someone in this position with long experience and a proven track record on these issues—which Mr. Bolton does not have.

Second, as Senator BIDEN appropriately pointed out at Mr. Bolton's

confirmation hearing, Mr. Bolton lacks the diplomatic temperament for this job.

He is prone to making confusing statements and using inflammatory rhetoric against those with whom he does not agree. He once stated that "Republicans are adults on foreign policy questions, and we define what we're willing to do militarily and politically by what is in the best interests of the United States." What does this mean? Do Democrats not act in the best interests of the United States? Are Democrats like Lee Hamilton, Sam Nunn, and James Sasser not adults on foreign policy? It is a ludicrous and offensive statement.

On another occasion, Mr. Bolton attacked those who were concerned about the defeat of the Comprehensive Nuclear Test Ban Treaty, CTBT. Some were worried that the Senate's decision to vote down a major international security pact for the first time since the Treaty of Versailles could signal a turn toward isolationism. Mr. Bolton's response was that these reactions were "indications of a profoundly misguided and potentially dangerous philosophy in American foreign policy" and that people who held this view were "timid and neo-pacifist." Again, is being vigilant about the possibility of American isolationism, something that contributed to the Second World War, timid or neo-pacifist? What is a neo-pacifist, anyway?

And with respect to the International Criminal Court, ICC, Mr. Bolton said that "[s]upport for the International Criminal Court concept is based largely on emotional appeals to an abstract ideal of an international judicial system unsupported by any meaningful evidence and running contrary to sound principles of international crisis resolution." Why was the decision to sign the Treaty, and join 139 other nations including 17 of our NATO allies, emotional? Is it not rational to conclude that signing the Treaty enables us to maintain the maximum influence over the ongoing negotiations and obtain additional concessions in the process?

These are representative of statements from Mr. Bolton that are confusing, inaccurate and inflammatory. While those of us in politics are used to this sort of thing, effective international diplomacy is not conducted in this manner. It is not the kind of temperament that we need from our most senior arms control official at the State Department.

I am also deeply concerned about Mr. Bolton's record on arms control and nonproliferation agreements and his views on international law. Although he has supported some security treaties in the past, he is philosophically opposed to most of the treaties that comprise the foundation of the international nonproliferation regime. He once said that the CTBT and other treaties are "unenforceable" and provide "illusionary protections." More-

over, he argued that "[w]hile treaties may well be politically or even morally binding, they are not legally obligatory. They are just not 'law' as we apprehend them." In fact, the principle that treaties and other forms of international law are binding is widely accepted. Whether trading with other nations or insisting on the right to traverse international water or airspace, we rely on treaties and international agreements to protect our interests.

It is true that treaties and other agreements are just one part of international security. Nevertheless, they are an extremely important part. Mr. Bolton's statements make me seriously question his commitment to this aspect of our security, and I do not want to confirm an individual with this record to a position that is responsible, in part, for advancing U.S. interests by upholding and promoting international nonproliferation agreements.

Finally, I would note that the timing of the vote on Mr. Bolton's nomination could not be worse. From Kyoto to missile defense, the Bush administration has made a number of unilateral decisions that have caused great concern among our allies in Europe and Asia. And, there are reports that more could be on the way—such as "unsigned" the ICC Treaty. I firmly believe that confirming someone to this important position who has limited experience on these issues, lacks the diplomatic temperament for the job, and has, at best, a mixed record of supporting international arms control agreements, sends yet another negative signal to our friends and allies.

We need a person in this important position who will help craft a bipartisan foreign policy and work with our friends and allies to make America more secure. Mr. Bolton is not that person, and I will vote "no" on his nomination.

Mr. President, I recognize that Mr. Bolton will receive sufficient votes to become our next Under Secretary of State for Arms Control and International Security. I hope that the fact that he was only reported out of the Foreign Relations Committee by a margin of one vote, and that several senior Senators with expertise and many years of experience in arms control opposed his nomination, will cause him to reflect on the way he has approached these issues in the past. This is a position of great responsibility. He should use it to demonstrate that he can work constructively and respectfully with people, whether they agree or disagree with him, to help advance the interests of this nation.

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the nomination of John R. Bolton as Under Secretary of State for Arms Control and International Security. In many ways, Mr. Bolton's record, writing, and views lead me to believe that he is the wrong man at the wrong time for this position.

In considering this nomination I am most troubled by the fact that Mr.

Bolton's views appear to be antithetical to both arms control and international law.

Although he has supported some security treaties, on the whole he has been highly critical of most of the treaties that comprise the foundations for nuclear arms control and nonproliferation.

When the Senate voted down the Comprehensive Test Ban Treaty, CTBT, for example, it is my understanding that Mr. Bolton applauded the defeat of "the illusory protection of unenforceable treaties".

Arms control treaties and international efforts to control the spread of weapons of mass destruction are not the only way to address these threats, the United States must have other means and capabilities as well, but they have a place in U.S. foreign policy, and can play a useful role in safeguarding American interests.

The CTBT, START, the Anti-Ballistic Missile treaty, the Non-Proliferation Treaty, the Chemical Weapons Convention, the Missile Technology Control Regime, alongside many other treaties negotiated by Presidents of both parties, can and do play an important role in reducing the risk to the United States posed by the proliferation of Weapons of Mass Destruction.

Likewise, Mr. Bolton has made comments that suggest that international treaties do not have the force of law, and raising questions about the commitment that states should have to their treaty obligations.

He has written that "while treaties may well be politically or even morally binding, they are not legally obligatory. They are just not 'law' as we apprehend the term."

In arguing that the U.S. has no obligation to pay our share of the United Nations dues Mr. Bolton argued that "Treaties are 'law' only for U.S. domestic purposes. In their international operation, treaties are simply 'political' obligations."

This approach suggests that international treaties are unenforceable; that signatories may pick and choose the sections they will adhere to; and that the United States, by virtue of our superpower status, may insist on other countries fulfilling their treaty obligations while reserving the right to ignore our own.

But how can the United States hope to compel other countries, especially states like Iraq, Iran, and North Korea to respect international law and norms on non-proliferation if the top State Department official for arms control does not?

Mr. Bolton has also suggested that "There is no such thing as the United Nations . . .".

How effective can United States leadership be in the international community if these views guide U.S. policy? In some ways, Mr. President, I think the recent loss of the U.S. seat on the Human Rights Commission provides us an early indication of what answer we

can expect from the rest of the international community to that question.

There are also questions about Mr. Bolton's approach to a range of other issues on the international agenda which, as Under Secretary and a senior member of the State Department decision-making apparatus, he will play a role.

Mr. Bolton's views on Taiwan appear to be out of step with thirty years of bipartisan U.S. policy as well as the views of the Bush Administration.

He has stated that he believes Taiwan to be a state, and argued for full diplomatic recognition of Taiwan and an end to the "One China" policy.

Over the past thirty years the Taiwan Relations Act, the "One China" policy, the three Joint Communiques, and a policy of purposeful ambiguity with regards to U.S. defense commitments to Taiwan have served U.S. interests, and those of Taiwan, extremely well. It is an approach that has provided the United States with both leverage and maneuvering room in our relations with both China and Taiwan, and has had the support of six Presidents from both parties as well as broad bipartisan backing in Congress.

These are but a few examples of the sort of worrisome issues which lead me to believe that Mr. Bolton is not the right person to serve as Under Secretary.

The questions that have been raised about Mr. Bolton's views on a range of arms control, international law, and other national security issues strongly suggests that Mr. Bolton does not meet the necessary threshold for confirmation by the Senate as Under Secretary of State. I do not make this statement lightly, but I do so with the recognition that the Senate has the right, the obligation, to provide advice and consent to the President's appointments.

I urge my colleagues to join me in opposing the confirmation of Mr. Bolton.

Mr. BINGAMAN. Mr. President, I rise to urge my colleagues to oppose the nomination of Mr. John Bolton to become the Under Secretary of State for Arms Control and International Security. Many in the Senate disagree with the substantive views of Mr. Bolton on particular policy issues and will oppose his nomination on the basis of those disagreements. I too disagree with Mr. Bolton on a range of important foreign policy issues, but my opposition to his nomination comes from broader and deeper concerns. First among them, I believe that whoever serves in this position should be experienced, knowledgeable, and philosophically compatible with the use of arms control as a legitimate tool of the national security objectives of the United States. Arms control treaties have served our national security interests well during past decades, including important major treaties signed and ratified by Republican administrations. Notable among the many important and effective arms control contributions by Re-

publican administrations are the Non-Proliferation Treaty, the ABM Treaty and Protocol, the Threshold Test Ban Treaty, and the Intermediate Nuclear Forces Treaty. I would hope that Mr. Bolton would uphold this tradition within his party, but I am skeptical that will be the case. If so, our nation stands to become more insecure rather than less in the volatile world of today's international system.

Recent testimony by Mr. Bolton suggests that he may not be as knowledgeable about the significant contributions of prior arms control treaties as he should be, and, more importantly, may not be inclined to support arms control as a useful mechanism to achieving national security goals. In his confirmation hearing before the Senate Foreign Relations Committee, for example, when asked about his views regarding whether the ABM Treaty is in force, he withheld his own views on this very important matter which now lies at the center of the most significant national security debate in our country as well as within the international community. It seems to me that if the Senate is to confirm a nominee for this important position as Under Secretary of State for Arms Control, it would not be unreasonable to expect that nominee, even if we are in disagreement, to have a well-developed, articulate view of this critical question. I believe that the Senate and the American people have a right to expect that someone who would assume this key advisory position would be able to answer that question in an informed, straightforward way. I'm concerned that we still don't know if Mr. Bolton is well-educated on the validity and utility of the ABM Treaty. I for one am reticent to hand over the keys to a car when I don't know where the driver is going to take me. The ABM Treaty is so vitally important, I believe the American people have a right to know where Mr. Bolton wants to go.

In his writings and testimony, Mr. Bolton referred generically to treaties that are unenforceable and that provide only illusory protections. He would include the Comprehensive Test Ban Treaty in that category, a belief that suggests to me a lack of understanding about our verification capabilities with respect to countries which might seek to initiate a nuclear weapons program as well as nuclear weapons states which might seek to advance their own capabilities in any militarily significant way. Though the Senate has not thoroughly debated this question, the experts I have spoken with assure me that the CTBT is verifiable consistent with our highest priority non-proliferation national security concerns. Before voting to confirm Mr. Bolton, the Senate should know more about the specifics of his views on this and similar matters in order to determine whether his views are well-grounded or simply an expression of a visceral distrust of arms control as a national security tool.

I am equally concerned that his views rejecting the binding nature of international treaties is incompatible with the internationally accepted position on this fundamental legal question. In his writings, Mr. Bolton has indicated that although treaties may be politically or morally binding, they are not legally binding. I suspect that while he would demand compliance of other nations to an international treaty as a matter of law, he would defend instances of U.S. non-compliance as our legal right. At a time when the President of the United States has spoken repeatedly of the need for our nation to approach other countries with humility, Mr. Bolton's view on this matter strikes me as completely unacceptable.

Perhaps, it comes down to this. Every time the Senate debates an arms control agreement the question is asked, "Will our nation be more secure with or without this Treaty?" For those who answer "without", they conclude that the nation is more secure without making international commitments. Their crystal ball suggests that without international agreements, national self interest will be sufficient to ensure national security. Given Mr. Bolton's position in opposition to key arms control agreements of our time, I'm very concerned that he believes that U.S. unilateralism is the only reliable means to assure our national security. I strongly reject that view. Unilateralism is reversible and unpredictable, and in my view, portends greater instability among nations. Before I'd vote to confirm Mr. Bolton, Mr. President, I'd like very much to know what Mr. Bolton's view of what a unilateralist world looks like to him without the ABM Treaty, the CTBT Treaty, or any other arms control treaty to which he is opposed. Until he can convince me that it would be a safer world, I'll withhold my vote. I urge my colleagues of the Senate to do the same.

Mr. DODD. Mr. President, as you know, I generally believe that any President, Democratic or Republican, has the right to appoint the members of his administration. That is why, over the years, I have generally voted in support of the vast majority of presidential nominees that have come before the Senate. However, I am also mindful of the fact that the Founding Fathers gave the U.S. Senate a role in the nomination process, namely that of advice and consent. This responsibility was given to the Senate in order to ensure that the President did not misuse his authority in selecting individuals to serve in positions of public trust or ones with significant implications for the national security of this country. I have always ought to balance these two principles, that the President has been elected by the American people to do a job and he should be able to decide how best to do it, and that the Constitution of the United States charges the United States Senate with review-

ing the Presidential appointments to ensure that our national interests are being served. And, in juggling these two sometimes conflicting concepts, I have generally given the benefit of the doubt to the individual selected by the President.

Very rarely over the years have I voted against nominees. On those occasions in which I have chosen to do so, it has been because I have had serious doubts about the ability of the individual to carry out the responsibilities of the office to which he or she has been nominated. Regrettably, I hold such doubts about the nomination before us today—John Bolton to the position of Under Secretary of State for Arms Control. Based upon Mr. Bolton's own statements and writings over the years, as well as his testimony during his confirmation hearing, I have serious reservations about his ability to discharge his duties in the area of arms control. My reservations are of such a magnitude that they rise to a level so as to outweigh my general practice of deferring to the President on nominations.

There is no question that Mr. Bolton is an individual of integrity and intelligence. He has demonstrated those qualities throughout his career—most recently at the American Enterprise Institute, and the Commission on International Religious Freedom. However, there is glaringly absent from his otherwise distinguished record, any substantial background in the area of arms control—the principle area of responsibility for the position to which he has been nominated. It is not only that Mr. Bolton has limited experience in the arms control arena, but also that in his few dealings with this subject matter he has expressed doubts as to the relevancy of arms control itself. I find it troubling that the individual that the President and the Secretary of State will look to in the areas of non-proliferation, arms control and security assistance holds that view. Arms control issues loom large on the President's agenda as he demonstrated last week when he spoke at the National Defense University on the topic of National Missile Defense, NMD—an extremely controversial subject with huge implications for United States arms control policy. NMD, The Comprehensive Test Ban Treaty, CTBT, and the future of the 1972 ABM treaty are all subjects in which the President and the Congress will have to come to some meeting of the minds on during the coming months. The Under Secretary of State for Arms Control will have to play a pivotal role in facilitating that process. Mr. Bolton's having a dismissive attitude toward arms reduction and arms control right from the start gives him very little credibility with those of us who care deeply about arms controls issues and are concerned about the direction the Administration appears to be heading in this area.

With respect to CTBT and other international treaties, Mr. Bolton has

stated that he does not believe that these agreements are legally binding on the United States, but rather are "political obligations." This stance is contrary to United States interests of promoting respect for international law and upholding the good faith agreements entered into among our allies to honor these treaties. In addition, such statements in the area of arms control, by the person who will occupy the very post charged with upholding our treaty obligations, not only diminishes our credibility in the eyes of our allies, but also compromises the best interests of our national security. Arms control is a global issue, not an American one, and while we must forge policies consistent with America's interests, we cannot create policy in a vacuum, and to act unilaterally on an issue of such import would be foolish.

In terms of the ABM treaty, I believe that President Bush is correct when he says that the world is quite different today than it was in 1972 when the treaty was first entered into with the then Soviet Union. Clearly every word of that treaty should not be cast in stone. There may be changes to the treaty that would benefit United States interests without undermining the principle purpose of the treaty—to prevent a costly and dangerous international arms race. It is certainly appropriate that the President undertake a review of this treaty. But this can be accomplished while still honoring our current treaty obligations and without a rush to judgement. The ABM treaty may need updating, but unilaterally abrogating this treaty or any other treaty that the United States has entered into is a major step not to be taken lightly or without consultations. While Mr. Bolton has stopped short of calling for the unilateral abrogation of the treaty, his cavalier attitude toward our participation in the ABM treaty and to the responsibilities that we bind ourselves to when we enter into these international agreements is disturbing.

I am further troubled by Mr. Bolton's views on such sensitive foreign policy issues as the so called "One China Policy," and on the nature and extent of U.S. arms sales to Taiwan. I am particularly concerned at a time when Chinese-American relations have taken a turn toward the adversarial. When the characterization of the U.S.-China relationship as "strategic competition" provokes indignation in Beijing, one can only imagine the ramifications of Mr. Bolton's public support for the official recognition of Taiwan as an independent state, a position which contradicts over three decades of U.S. diplomacy that has successfully balanced our interests in Asia. Although Mr. Bolton has stressed that the Undersecretary of State for Arms Control does not have responsibility for directly shaping diplomatic relations between the U.S. and China, separating arms control issues from U.S./China policy is neither feasible nor advisable at a time when China sees itself, rightly or wrongly, as a target of the Bush

administration's decisions to move forward with National Missile Defense and to sell arms to Taiwan.

Mr. Bolton has also expressed worrisome views on U.S. involvement in the Balkan wars, stating that he saw "no tangible national interest" in those conflicts. And while it is true that American territory or interests were not directly threatened by the bloodshed in the Balkans, certainly instability in Europe must always be a matter of concern to the United States as should human rights abuses that rise to the level of near genocide. I am concerned at Mr. Bolton's seemingly insular view of American interests and responsibilities.

Finally, Mr. Bolton has at times been outspoken and provocative in his public remarks about international affairs. He has been known to stray from a simple statement of opinion to more controversial pronouncements about subjects which are approached with tremendous sensitivity by most foreign policy experts. As Undersecretary of State for Arms Control Mr. Bolton will be responsible for high level negotiations with allies and other governments concerning the gravest matters of national and international security. Regrettably, I am uncomfortable with the idea of Mr. Bolton in such delicate situations.

The world we live in today is dangerous. For better or worse, the United States must play a major role in ensuring that there are safeguards to protect our national security and foreign policy interests. Without doubt these dangers include the possibility of the proliferation of weapons of mass destruction. It may be true that no longer is our main concern a purposeful attack by another superpower, but rather the accidental or capricious bombing by a rogue nation. It may also be true, as Mr. Bolton asserts, that it is time to re-examine our international arms framework, but it is not a time for isolation or bravado. Given the the critical negotiations and challenges that await the new administration, there is no room for inexperience. We need a skilled and steady hand shaping a disarmament policy that is right for the 21st Century. In my view Mr. Bolton does not possess such qualities, and that is why I have reluctantly decided to vote against his nomination for this critical position.

Mr. LIEBERMAN. Mr. President, I am voting in favor of John Bolton for the position of Undersecretary of State for Arms Control and International Security Affairs. Mr. Bolton is the President's choice, and I have generally supported the tradition of respect by the Senate for confirming the President's nominees except in rare instances. I disagree with some of the positions Mr. Bolton holds, particularly his opposition to some of the arms control treaties that were negotiated over many years by his predecessors at the Arms Control and Disarmament Agency. But I also agree with other positions Mr.

Bolton has taken regarding America's foreign policy. He explained his positions during his confirmation hearing and gave assurances that he accepts and will respect America's obligations under international law. He is especially intent on working to control the spread of weapons of mass destruction to rogue states. I therefore conclude that Mr. Bolton falls within the criteria of acceptability for confirmation to the job for which he has been nominated by the President.

Mr. KOHL. Mr. President, I have serious concerns about confirming John Bolton to be the next Under Secretary of State for Arms Control. The person who serves in this position is expected to supervise and manage international arms control negotiations and non-proliferation agreements and to uphold key arms control treaty obligations. Yet, John Bolton has said he believes that the very agreements he would be required to uphold and negotiate are not even legally binding.

International arms control agreements are the linchpin of our national security. They have played a vital role in keeping the peace, increasing our security and halting the spread of weapons of mass destruction and the missiles that deliver them. They made a significant contribution towards reducing nuclear threats during the Cold War, they helped us reduce the presence of conventional forces in Europe in the post-Cold War era, and they have been an important tool in the response to the growing non-proliferation threat.

Not only does John Bolton have limited experience in the arms control arena, but he has dismissed the Comprehensive Test Ban Treaty and some other treaties as "illusionary protections." He has been disdainful of supporters of the CTBT and, he has been intentionally evasive about his views on the ABM Treaty. I question whether Mr. Bolton could serve effectively in this position given his views and the inflammatory manner in which he has communicated these views in his years out of public service.

I am not questioning the integrity of this nominee or his fitness for government service in general. I also believe we must be careful not to reject nominees just because we object to their views. However, when a person like John Bolton is put forward, a person whose views seem to undermine the very purpose for which he is being nominated, I believe we have a responsibility to speak out. John Bolton is not an appropriate choice for Under Secretary of State for Arms Control and I will be voting against this nomination.

Mr. KENNEDY. Mr. President, I oppose the nomination of John Bolton to be Under Secretary of State for Arms Control, Nonproliferation and International Security.

The Under Secretary must be able to develop and shape arms control and disarmament policies in a way that

helps the Nation to achieve these all-important goals for our country and our planet. It is this special responsibility of the Under Secretary to protect the United States by working to control the proliferation of weapons of mass destruction.

As Senior Adviser to the President, the Under Secretary works with the Secretary of State and members of the National Security Council, leads the interagency policy process on non-proliferation, and manages global U.S. security policy. He is involved in defense cooperation, arms transfers and security assistance to our allies. He provides policy direction for the non-proliferation of nuclear missiles and fissile material. He has a primary role in the negotiation, ratification, verification, compliance, and implementation of agreements on strategic, non-conventional and conventional forces, regional security and military cooperation.

His role is also to oversee implementation of the Foreign Assistance Act, the Arms Export Control Act, and related legislation. The Bureaus of Arms Control, Nonproliferation, and Political-Military Affairs and Verification and Compliance are under the policy oversight of the Under Secretary.

The position carries enormous responsibilities, and I am not persuaded that Mr. Bolton has the vision and commitment to advance America's best interests, especially in arms control.

Mr. Bolton has said that "international treaties are 'laws' purely for domestic purposes" and in their "international operation, they are simply political obligations." He has described treaties as useless, because they don't stop rogue states from doing what they seek and only restrain the U.S. from pursuing its own defense initiatives.

Mr. Bolton has also been an outspoken critic of the Anti-Ballistic Missile Treaty and the Comprehensive Test Ban Treaty, referring to the latter as an "unenforceable treaty with illusory protections."

Mr. Bolton praised the defeat of the Comprehensive Test Ban Treaty in the Senate. He called Americans who worried that nuclear proliferation would threaten international peace and security "hysterical." He described the philosophy behind supporting a treaty that bans dangerous nuclear testing as "profoundly misguided and potentially dangerous."

The CTBT is an important part of our global non-proliferation efforts, and it has been endorsed by General John Shalikashvili. Earlier this year, General Shalikashvili, Special Advisor to the President on this treaty, stated in a letter to the President that "there is no good reason to delay ratification of the CTBT" and that "the longer the U.S. delays, the more likely it is that other countries will move irrevocably to acquire nuclear weapons or significantly improve their current nuclear arsenal and the less likely it is that we

could mobilize a strong international coalition against such activities.”

Yet Mr. Bolton has criticized the treaty for not providing “adequate protections” and “hobbling the United States’ ability to maintain the most important international guarantee of peace”—which is, in Mr. Bolton’s view, “a credible U.S. nuclear capability.”

I also have serious reservations about Mr. Bolton’s views on the Anti-Ballistic Missile Treaty. In the years since the United States and the Soviet Union signed the ABM Treaty in 1972, it has been a major part of U.S. nuclear arms control policy. By ensuring that our nuclear arsenal remains an effective deterrent, the ABM Treaty prevented an escalating arms race with the Soviet Union and more recently with Russia. The treaty continues to bring significant stability to the U.S.-Russia nuclear partnership in the post-Cold War world.

Mr. Bolton has contended that National Missile Defense should be one of our primary considerations in dealing with proliferation and international security. But this view is in conflict with the Under Secretary’s responsibility to protect our Nation against threats in a way that is consistent with our treaty obligations. Mr. Bolton’s view that Russia will take advantage of any U.S. vulnerability could hinder essential and continued cooperation with that nation.

I am concerned as well by Mr. Bolton’s views on our relations with North Korea and China. Since 1996, the United States has embarked on a delicate negotiation with North Korea. The agreed framework has achieved renewed dialogue between North and South Korea, and could be the beginning of a serious effort to achieving an arms control agreement with North Korea. It has created an unprecedented opportunity for the U.S. and North Korea to work together. But Mr. Bolton has been outspoken in his opposition to the agreement, calling it an “egregious mistake.”

Mr. Bolton has stated that normalizing relations with North Korea and the goals it would achieve are “entirely in North Korea’s interests, not ours.” Clearly, efforts to stop the development of nuclear weapons in the Korean Peninsula are in the United States’ interest. Yet Mr. Bolton has also called the agreed framework an “unjustifiable propping up of the North Korean regime.”

I am concerned that Mr. Bolton presents himself as a nominee who will fundamentally change the objectives of his office from promoting treaties and arms control to urging a national agenda on missile defense. The policies he promotes could unnecessarily alienate our allies and undermine arms control and nonproliferation.

Mr. Bolton has stated that “the most important international guarantee of peace is a credible U.S. nuclear capability.” It would be a mistake to entrust the responsibility of achieving

more effective arms control, non-proliferation and disarmament policies to someone who believes that international security is best maintained by continuing the nuclear arms race.

I am also deeply concerned about Mr. Bolton’s views on the United Nations. As Under Secretary, he would advise the President and the Secretary of State on policy decisions on U.S. security commitments worldwide and on arms transfers and security assistance policy and programs. He would need to work with the international community and the United Nations to meet these goals. Yet, in 1994, Mr. Bolton wrote starkly that “there is no such thing as the United Nations.” He has said that the majority of Congress and most Americans do not care about losing the U.S. vote in the General Assembly. Virtually every other nation in the world supports the United Nations and the United States should be dedicated to strengthening, not weakening, it.

The Under Secretary of State for Arms Control, Nonproliferation and International Security should work to strengthen our international treaties and our relations with other countries, not dismantle or destroy them. I am not convinced that Mr. Bolton is committed to these critical goals.

His views do not represent a positive approach to key arms control issues, and I urge the Senate to oppose his nomination.

Mr. REED. Mr. President, I rise to state my opposition to the nomination of John Bolton to be Undersecretary of State for Arms Control and International Security. I want to clarify that I respect the right of the President to choose those who will serve him in his Administration. I also recognize that many of the appointees in this Administration will have views which differ from my own—and those differences are not reason enough to vote against a nomination. However, in this case, I believe there is ample evidence that Mr. Bolton has deeply held views which run so contrary to stated U.S. policy that he will not be able to effectively perform his duties.

If confirmed, statute dictates that John Bolton would be the senior assistant to the Secretary of State in matters “related to international security policy, arms control and non-proliferation.” He would oversee a number of issues including the fate of the ABM Treaty, negotiation with North Korea on the Agreed Framework and aid to dismantle Russian nuclear stockpiles. At a time when the danger from nuclear weapons is at least as great as during the Cold War, it is essential that this Undersecretary be committed to using every possible diplomatic option for reducing the weapons stockpile and diffusing tensions. Unfortunately, because of his previous statements, I cannot be confident of Mr. Bolton’s commitment to this goal. As Joseph Cirincione, the director of the Carnegie Non Proliferation Project, stated: “John Bolton is philosophically op-

posed to most of the international treaties that comprise the non-proliferation regime.”

Mr. Bolton was a vocal opponent of the Comprehensive Test Ban Treaty. He said that supporters of the CTBT were “misguided individuals following a timed and neo-pacifist line of thought.” He also stated that “Mere promises by adversaries and rogue regimes, unverifiable in critical respects, simply do not provide adequate protections and may actually hobble our ability to maintain the most important international guarantee of peace—a credible U.S. nuclear capability.” I would like to note that history would indicate Mr. Bolton is incorrect, since the United States has been able to maintain an awesome nuclear stockpile while complying with arms control treaties that have been the cornerstone of the prevention of nuclear war for the past fifty years. Furthermore, while Mr. Bolton is certainly entitled to his opinions on arms control treaties, his opinions indicate that he may not be best suited for a position which requires upholding and negotiating treaties on a daily basis.

Mr. Bolton also does not seem to have a very high opinion of the United Nations, the organization with which he would have to work closely in developing and maintaining U.S. international security policy. At different points in the past few years, Mr. Bolton has stated that “If the UN secretary building in NY lost 10 stories, it wouldn’t make a bit of difference.” He also stated that the U.S. has no obligation to pay its UN dues because “The UN Charter is fundamentally a political, not a legal document. On finances it amounts to little more than an ‘agreement to agree.’” Despite the fact that the UN may seem bureaucratic and slow to act at times, it is the primary instrument for international cooperation, and I believe U.S. participation is vital to ensure U.S. national security.

In addition, Mr. Bolton does not appear to believe that the tenets of international law are binding. In 1999, Mr. Bolton asserted that, “In reality, international law, especially customary international law, meets none of the tests we normally impose on ‘law’, while treaties may be politically or even morally binding, they are not legally obligatory. They are just not ‘law’ as we apprehend the term.” Since the founding of this nation, Administrations have put faith in international law and treaties created under international law and entered into by the United States have been regarded, as the Constitution dictates, “as the supreme law of the land.”

Mr. Bolton is clearly an intelligent and capable individual. However, his publicly stated views and past actions indicate that he believes that it is in the best interests of United States security to act unilaterally, with little regard for the views and agreements of the international community. We live

in an increasingly interdependent world. Today, it is more important than ever before to use such tools as the United Nations, international law and treaties to promote and ensure international security and arms control. I believe the Undersecretary of State for International and Arms Control should be willing to pursue these avenues, and I think the evidence indicates that Mr. Bolton would not be the best person for this job. Therefore, I will oppose his nomination.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, has there been time allotted for me to speak on this nomination?

The ACTING PRESIDENT pro tempore. The Senator has 12 minutes.

Mr. BIDEN. Mr. President, I rise to oppose the nomination of John Bolton to be Under Secretary of State for Arms Control and International Security. I do so for several reasons. I say at the outset—and I have said to my friend and colleague, Senator HELMS, the chairman of the committee—that my opposition to John Bolton is not based on a personal concern about John Bolton's overall qualifications. He is an intelligent, bright, decent, and honest man. Notwithstanding an editorial in one of the major newspapers in this country, there is nothing inconsistent about that in my opposing the nomination of him relating to this specific position.

I want my colleague from North Carolina to know that my opposition is based—and which he will soon hear, and he knows because we have talked about it—on Mr. Bolton's views on arms control primarily. This is a decent and an honorable man, but I think he is the wrong man for this job.

I add at the outset, I think his views on some of the major issues in the area of foreign policy are at odds with the stated views of the Secretary of State, although I am certain the Secretary of State supports Mr. Bolton. I am not implying that there is opposition within the State Department to Mr. Bolton.

Let me give you the reasons, as briefly as I can, that I am concerned about Mr. Bolton's views on arms control.

He comes to the Senate with an extensive record of Government service but a very limited record in arms control and nonproliferation matters, which, as the Presiding Officer knows, is an extremely complicated area—extremely complicated area.

What we do know about Mr. Bolton's views on arms control and nonproliferation matters suggests an individual who questions the relevance of arms control agreements.

My friend from North Carolina, the chairman of the committee, questions the relevance of the arms control agreements, and I find him to be an extremely qualified Senator. We just disagree on the issue. I would vote for him for just about anything. I would probably vote for him even for this position, but maybe I would not. This is

the one position I could consider I would not want him to have in the administration.

In praising the defeat of the Comprehensive Nuclear Test-Ban Treaty, Mr. Bolton referred to the CTBT, and other unnamed treaties, as “unenforceable treaties” which provide “illusory protections.” I realize some hold that view. They are not, however, people I think should be in charge of promoting arms control, disarmament, and nonproliferation matters.

The death of the CTBT, he wrote, is a “useful opportunity to re-examine in a hard-headed and realistic way how international peace and security are really guaranteed.”

Treaties are not the only means of ensuring arms control reductions, but in the last 50 years treaties and agreements have provided the foundation for advancing U.S. arms control and nonproliferation objectives. From the Nuclear Non-Proliferation Treaty to the START treaties, from the Chemical Weapons Convention to the Biological Weapons Convention, such agreements have been essential in containing the threat of dangerous weapons.

Mr. Bolton has supported some arms control treaties, I might add, including the Chemical Weapons Convention, where he and I were on one side, and the chairman was on the other side. But his sweeping statements deriding the importance of arms control leave me uneasy about his commitment to the task.

My discomfort level is increased by Mr. Bolton's questioning of whether treaties are even binding. He wrote:

[While treaties may well be politically or even morally binding, they are not legally obligatory. They are just not “law” as we apprehend the term.]

Similarly, Mr. Bolton once testified to Congress—recently; as a matter of fact, in the last several years—that treaties are “political” and “not legally binding, to the extent that they purport to affect relations among national governments.”

In response to a written question, he stated the matter a bit differently, saying, “I believe that treaties bind the United States,” which I have difficulty, quite frankly, squaring with his previous writings.

If confirmed, Mr. Bolton would supervise some of the most important treaty obligations. I find Mr. Bolton's views on those issues relating to treaty obligations very troubling—very troubling.

I am also concerned about Mr. Bolton's limited experience in arms control. By law, the Under Secretary is the senior assistant to the Secretary of State in matters “related to international security policy, arms control, and non-proliferation.”

As a matter of fact, in the reorganization effort spurred and led by my friend from North Carolina, the chairman of the committee, we moved this position into the State Department. It used to sit outside the State Department. This was supposed to be—and is

supposed to be—the primary person promoting arms control.

I note, parenthetically, I have always had difficulty voting for nominees who hold views that are antithetical to or at odds with the responsibilities they have. I voted against, for example, fine men who were nominated to be Secretary of the Interior during the Reagan administration when they were insufficiently committed to the environment. So I didn't want to be a party to putting someone in a position whose avowed purpose was the President's, which was antithetical to the purpose of the organization.

I am also concerned about his limited experience, as I said. Mr. Bolton does have foreign policy experience, though—I do not think we should underestimate that—at the Agency for International Development and as Assistant Secretary of State for International Organizations. He has held those posts.

In the State Department, he did gain some experience in arms control, working on issues related to the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons, but these activities were hardly a major part of his duties.

In the last 8 years, Mr. Bolton has written extensively on foreign policy, but he wrote very little about arms control. That is not a bad thing, but it still leaves us with a person with little experience in the arms control field, to which many of our senior people devote their entire careers.

Chairman HELMS has cited a letter from former Directors of the Arms Control and Disarmament Agency in support of Mr. Bolton. The signatory of that letter most recently in the arms control job is a man named Ron Lehman. I wish we had someone of Mr. Lehman's experience before us.

I might add, Mr. Bolton is just as bright. This is a fellow who is a Yale undergraduate, went to Yale Law School, and is an extremely bright fellow. But he does not have Mr. Lehman's experience.

When Mr. Lehman was nominated in 1989, he had already held three jobs with firsthand arms control experience before he was nominated. He was Assistant Secretary of Defense for International Security Policy, where he dealt with U.S. nuclear policy, arms control, space policy, and technology transfer controls. He was the chief U.S. negotiator on strategic nuclear arms; that is, the START talks. And he was the Senior Director at the National Security Council for Defense Programs and Arms Control. This man came with an incredible amount of experience. In short, Mr. Lehman was literally steeped in arms control.

On other foreign policy issues, Mr. Bolton has been outside the mainstream. He has called for diplomatic recognition of Taiwan, a position at odds with three decades of American diplomacy—and contrary to the position of this administration.

Mr. Bolton once wrote that the wars in Kosovo and Chechnya involved "no tangible national interest." In the committee hearing, he changed his tune a bit, saying that there was no vital national interest in the Balkans.

Nonetheless, I am concerned that Mr. Bolton's consistent criticism of the NATO action in Kosovo indicates a lack of commitment to the stability of Southeastern Europe—a position I find unacceptable for the person who would supervise security assistance programs to the region.

I am concerned, finally, about Mr. Bolton's diplomatic temperament for this position, which involves the management of complex negotiations in a wide range of arms control and nonproliferation issues. Stated another way: It takes the patience of Job. I am not sure how good I would be in the position. These are sensitive and difficult negotiations. Mr. Bolton's penchant for inflammatory rhetoric gives me pause about his ability to handle this task.

Following defeat of the Comprehensive Test Ban Treaty, Mr. Bolton heaped scorn on proponents of the Treaty—I don't take that personally—who expressed concerns that its defeat marked an isolationist turn for the United States and might lead to accelerated nuclear proliferation.

He wrote that such fears are "indications of a profoundly misguided and potentially dangerous philosophy in American foreign policy," and said that such analysis is "timid and neopacifist." He has a right to say that, but it is not the language of or temperament of people who have been in that position. Well, this senator expressed those fears, as did some of my colleagues.

Mr. Bolton once said that "Republicans are adults on foreign policy questions, and we define what we're willing to do militarily and politically by what is in the best interests of the United States." Is he seriously implying that Democrats are not adults on foreign policy questions and do not worry about the best interests of the United States?

What does that suggest about his ability to work with Democratic Senators?

This kind of inflamed rhetoric is what we might expect on talk radio, but we do not expect to hear it in diplomatic rooms of the Department of State.

I believe Mr. Bolton is a capable person. I respect his intellect and his willingness to serve. But I think he is the wrong person for this job.

The job of Under Secretary for Arms Control and International Security is a critical one—its incumbent has the lead responsibility in the State Department on arms control and nonproliferation. I do not believe Mr. Bolton has the vision or the experience necessary for this position.

One final thing that concerns me about Mr. Bolton is his lack of enthusiasm for the proposal put forward by

former Senator Baker, the majority leader, Mr. Cutler, a top lawyer in Democratic administrations, a bipartisan group, saying the most dangerous threat we face is loose nukes in the Soviet Union. They predicted that there is an incredibly greater likelihood there would be a nuclear, chemical, or biological weapon used in the United States as a consequence of the inequity of the Russian system protecting those systems than there was from anything else that could happen and suggested a robust investment in our policy to deal with nonproliferation issues, particularly as they stem from the disorganization combined with the incredible array of weaponry lying around Russia.

In the questioning, particularly by our colleague from Florida, it became pretty clear that Mr. Bolton does not share that sense of urgency at all. He is in charge of the nonproliferation side, the man who will be advising the Secretary of State.

For all those reasons, I reluctantly cast my vote against Mr. Bolton. As I said, we have been on opposite sides of issues, he and I, for a long time. When I was chairman of the Judiciary Committee, he was the main man pushing nominations for the Administration. We were butting heads all the time. I learned to respect his intelligence, I learned to respect his drive, and I learned to respect how tough he was. It is not that I don't know Mr. Bolton. I know him in that capacity. This is a different capacity. It requires a different temperament and a different attitude in order to promote what I believe to be the single most important job for someone carrying this portfolio within the State Department.

I urge my colleagues to vote no, although I must tell the Senate, I have done no whipping. I have not checked in terms of who is where on any of these votes. I want to make it clear why I am voting no on this nomination.

I thank the Chair. I see my friend and chairman is prepared to speak. I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated.

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

Mr. HELMS. I thank my distinguished friend, JOE BIDEN, for the depth of his explanation.

Mr. President, I feel obliged to say at the outset that of all the talented and well-qualified nominees whom President Bush has selected for senior foreign policy positions in his administration, John Bolton, in my judgment, emerges as one of the best and the wisest. He is a patriot, a brilliant thinker, and a talented writer. But most important, John Bolton has the courage of his convictions. He says what he means he means what he says,

and he says it well, which is precisely what is needed at the State Department.

Mr. Bolton comes to this position at a crucial time because he will confront many security issues, not the least of which is President Bush's pledge to build and deploy a missile defense system. Proceeding with that plan will require close consultation with our allies and much hand holding with Russia. John Bolton's extensive experience in building international support for U.S. positions—remember his service as Assistant Secretary of State for International Organizations—will serve him and the country well.

John Bolton comes with high recommendations and endorsements of some of the Nation's most distinguished foreign policy experts. Four former Directors of the Arms Control and Disarmament Agency have written to endorse John Bolton. I ask unanimous consent that these letters be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. HELMS. I also have at hand a letter written and signed by former Secretaries of State Henry Kissinger, Jim Baker, and Larry Eagleburger, among others, urging John Bolton's confirmation by the Senate. I ask unanimous consent that the letter be printed in the RECORD.

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

APRIL 24, 2001.

Hon. TRENT LOTT,  
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: We support the nomination of John Bolton to serve as Under Secretary of State for Arms Control and International Security, and hope that the Senate will move rapidly to confirm him for that position. John is knowledgeable, intelligent, experienced, and is clearly well qualified. In prior government positions as Assistant Secretary of State and Assistant Attorney General, he has acquitted himself well and served our country admirably. He will do no less as Under Secretary for Arms Control.

We are strong supporters of the proposition that a President should have the right to choose his senior advisors and is entitled to surround himself with those who share his beliefs. We well understand that some may not agree with the President's position on various matters or with certain views that John has expressed over the years. But we must observe that all Administration appointees are expected to advocate the policies of the President, regardless of their own personal views.

John has been a thoughtful scholar and also a prolific writer, and contributed significantly to our national-security policy debate. We, ourselves, are periodic contributors to newspapers and journals. Such writing affords authors a precious opportunity to take strong positions on issues, and to promote an open and free discussion with other scholars and practitioners. If anything we need more such debate, and more original analysts in government, not fewer. Neither this President nor future Presidents should be deprived of the services of men and

women of conviction, who are prepared to test their views in the marketplace of ideas.

We believe it essential for the Senate to conform rapidly the President's national security team. There is much important work to be done, and we believe that the nation is best served by an Administration that is fully staffed as soon as possible.

Sincerely,

David Abshire, James A. Baker III, Richard Allen, Frank Carlucci, Lawrence Eagleburger, Henry A. Kissinger, Caspar Weinberger, Max M. Kampelman, Helmut Sonnenfeldt, James Woolsey.

Mr. HELMS. Mr. President, isn't it significant that so many of our Nation's leading and senior foreign policy experts declare in writing and otherwise that John Bolton is eminently qualified for the responsibilities for which the President has nominated him? Of course, the issue is not Mr. Bolton's arms control expertise. The issue here is that some Senators oppose President Bush's policy on various matters and particularly the one involving missile defense. I also suspect that there are some Senators who just don't like the fact that the administration has put forward the nomination of a fine American who will very capably implement President George Bush's policy.

The distinguished ranking Democrat on the Foreign Relations Committee, Senator BIDEN, who is my friend and with whom I work closely and pleasantly, put it honestly and forthrightly when he said to John Bolton during John's nomination hearing:

This is not about your competence. My problem with you over the years has been that you are too competent. I would rather that you be stupid and not very effective.

Neither of which, I say to my distinguished colleague, John Bolton will ever, ever be.

I respectfully suggest that Senators should not be in the business of rejecting nominees because they are too competent for the job, but I commend Senator BIDEN for his clarity and honesty, as always.

I understand the opposition of some Senators to various administration policies, but I do hope my colleagues will give careful consideration to the views of the Anti-Defamation League and other nonprofit organizations which have written their support for John Bolton's nomination.

Again, I ask unanimous consent that letters, such as the letter from the Anti-Defamation League and the American Jewish Committee, which can hardly be regarded as conservative organizations, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ANTI-DEFAMATION LEAGUE  
OF B'NAI B'RITH,

New York, NY, April 16, 2001.

Hon. TRENT LOTT,  
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: We are writing in support of the nomination of John Bolton as

Undersecretary of State for Arms Control and International Security.

During his tenure as Assistant Secretary of State for International Organizations, Mr. Bolton played a leading role in the successful 1991 US effort to repeal the infamous "Zionism-is-racism" resolution.

While there may be some policy areas where we will differ, John Bolton has demonstrated both the commitment and integrity to advance United States interests.

Sincerely,

ABRAHAM H. FOXMAN,  
National Director.

THE CUBAN AMERICAN  
NATIONAL FOUNDATION,  
Washington, DC, April 25, 2001.

Hon. JESSE HELMS,  
Chairman, Senate Foreign Relations Committee,  
450 Dirksen SOB, Washington, DC.

DEAR SENATOR HELMS: I would like to offer my strongest possible endorsement on behalf of John Bolton for Undersecretary of State for Arms Control and International Security Affairs.

Over the years, Mr. Bolton has been a champion of freedom worldwide and a passionate defender of U.S. interests around the globe. His past experience in senior-level positions at the State and Justice Departments, AID, and the International Religious Freedom Commission make him uniquely qualified for such an important position.

In the case of Cuba, Mr. Bolton has consistently revealed a keen understanding of the true nature of the Castro regime and has forcefully rejected the current siren song that U.S. trade will magically moderate the Cuban dictator's behavior.

His nomination is of particular interest to us in several other ways as well. Sober analysts talk of the continuing international security threat Castro's Cuba poses to U.S. interests, specifically in the non-conventional "asymmetrical" sphere. For many years, we have been concerned with Castro's involvement in the development of chemical and biological weapons. This is of particular interest to us as residents of South Florida, where we are within easy reach of Castro's capabilities to cause great harm.

We are also increasingly troubled by the growing presence of Communist China in Cuba. It is quite obvious that China is developing that presence to use as leverage against the U.S. in its support for democratic Taiwan, as well as to serve as a strategic base to make diplomatic and intelligence inroads all over this hemisphere.

These troubling developments demand a man like John Bolton, a man who sees the world as it really is rather than the way he wishes it to be. Mr. Chairman, I would like to reiterate our strongest support for John Bolton, not only for the benefit of the freedom-seeking people of Cuba and their supporters but also for the benefit for the United States of America as a whole.

Sincerely yours,

JORGE MAS,  
Chairman.

WASHINGTON, DC,  
April 13, 2001.

Senator TRENT LOTT,  
U.S. Senate, S-230, The Capitol, Washington, DC.

DEAR SENATOR LOTT: I'm writing in support of the nomination of John Bolton as Undersecretary of State for Arms Control and International Security.

As Executive Vice President of B'nai B'rith, my organization and I remain grateful to Mr. Bolton, for his tireless efforts to seek repeal of the infamous Zionism-Racism resolution at the United Nations, during his tenure as Assistant Secretary for International Organization Affairs.

Supporters of Israel often look at the U.N. with a jaundiced eye, given the harsh, discriminatory treatment that country has been subject to over a period of more than five decades. Nevertheless, many of us understand the important role that organization can play, once reformed and freed from the hypocrisy that the Zionism-Racism resolution represented.

We speak as an organization that was invited to San Francisco to participate in the founding of the U.N. in 1945, and which, since the late fifties, has maintained a full time U.N./NGO office in New York, and which is represented at U.N. bodies in Paris, Geneva, Vienna and Santiago.

I urge the Senate's expeditious support for Mr. Bolton's nomination.

Sincerely,

DANIEL S. MARIASCHIN.

JEWISH INSTITUTE FOR  
NATIONAL SECURITY AFFAIRS,  
Washington, DC, April 17, 2001.

Hon. JESSE HELMS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR HELMS: It is my pleasure to write you in support of the confirmation of John Bolton as Under Secretary of Arms Control and International Security. Mr. Bolton is greatly admired and respected for his outspoken advocacy of American interests in foreign affairs. As Assistant Secretary for International Organizations, John was respected and well regarded. His resume, as I know you are aware, is highly impressive, but not as impressive as the man it represents.

We believe that Mr. Bolton will be a tremendous asset to the Bush administration. He is dedicated and talented, and his confirmation will enhance American diplomacy.

JINSA is a non-profit non-partisan organization with over 20,000 members throughout the United States who are committed to a strong National U.S. Security. We have representatives from all sectors of the community including over 200 American Admirals and Generals.

Sincerely,

TOM NEUMANN.

THE AMERICAN JEWISH COMMITTEE,  
New York, NY, April 19, 2001.

Hon. TRENT LOTT,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR MR. LEADER: I am writing to express my support for the Honorable John R. Bolton, who has been nominated to serve our country as Under Secretary of State for Arms Control and International Security Affairs.

It was my privilege to have worked closely with Mr. Bolton from 1989 to 1993, when he served in the Bush Administration as Assistant Secretary of State for International Organization Affairs.

We shared a strong interest in the United Nations and a profound concern that, as a result of the actions of some member states, the world body was being diverted from its central mission.

In the same spirit, Mr. Bolton believed that the adoption, in 1975, by the United Nations General Assembly of Resolution 3379, the odious resolution equating Zionism with racism, was a stain on the institution itself that could not be left standing, even though the repeal of resolutions was essentially unheard of in the annals of the U.N.

To the everlasting credit of Mr. Bolton, he spearheaded a successful American-led effort to repeal Resolution 3379. It took years of patient planning, extraordinary persistence, and remarkable diplomatic savoir-faire, and it was finally accomplished in 1991. The lion's share of the credit for this political

and moral triumph goes to Mr. Bolton. As a result of his efforts, to many of us who care deeply about the integrity of the United Nations he has achieved legendary status.

I have stayed in touch with Mr. Bolton since he left government service. Indeed, we have worked collaboratively under the auspices of United Nations Watch, a non-profit watchdog agency established by the late Ambassador Morris B. Abram, who served the United States with distinction under five American presidents. At UN Watch, Mr. Bolton, who has been an active board member, has once again demonstrated his passionate commitment to a fair and just United Nations and to a strong and effective American leadership role in international affairs.

From my experience, I can say without hesitation that Mr. Bolton is an individual of keen intellect with a profound understanding of foreign policy, strong principles, and deep commitment to advancement of democracy and human rights.

I wish to thank you for your consideration of these views. Should you require any additional information, please do not hesitate to be in touch.

Respectfully,

DAVID A. HARRIS.

Mr. HELMS. Mr. President, these groups support John Bolton because of his political views, because of his political expertise, and because of, yes, his personal moral principles.

John Bolton is precisely the kind of citizen the United States desperately needs in this difficult time to have an important role in the protection of the American people from the threat of missile attack. This man is a thoughtful scholar and an accomplished diplomat and an honest and decent man. I urge that the Senate confirm his nomination without further delay.

Mr. President, I yield the floor.

EXHIBIT 1

MARCH 14, 2001.

Hon. JESSE HELMS,  
*Chairman, Senate Committee on Foreign Relations, Dirksen Senate Office Building, SD-450, Washington, DC.*

DEAR MR. CHAIRMAN: We are pleased that you have scheduled a hearing date on President Bush's nomination of John Bolton to serve as Under Secretary for Arms Control and International Security. We strongly support the President's selection of John Bolton for this important position.

As former Directors of the Arms Control and Disarmament Agency, we believe John Bolton is eminently qualified to serve as Under Secretary. He brings a wealth of knowledge to the position as an expert in international law and a great deal of relevant practical experience as a former Assistant Secretary of State for International Organizations.

He has acquired a great deal of experience with multinational organizations which have gained in importance for arms control and disarmament, relative to the bilateral forums that dominated the evolution of arms control during the Cold War. Also, he is well suited to work with regional organizations that are pursuing arms control agendas, such as the Organization of American States (which deals with the convention on illicit weapons trafficking). His prior services as Assistant Secretary of State also acquainted him with the International Atomic Energy Agency, and the then emerging structure of the Organization for the Prohibition of Chemical Weapons.

As an experienced international lawyer, John Bolton is superbly qualified to guide

the US participation in the negotiations of complex international treaties and in making best use of these treaties for the intended arms control purposes. This is of key importance for the continuing struggle to curb the proliferation of weapons of mass destruction and to deal with the current proliferation problems regarding Iraq, North Korea, Iran, and other nations.

Iraq may well be the most difficult case at this time. It is a fortunate coincidence that John Bolton was deeply involved in the formation of UNSCOM and the adoption of UN Security Council Resolutions designed to reverse Saddam's weapons programs. This expertise is greatly needed now as the Bush Administration seeks to restore the badly eroded international support for maintaining sanctions.

Mr. Chairman, we can recommend John Bolton to the Committee without reservation. He has a thorough knowledge of the most pressing arms control and nonproliferation issues of the day, and we hope that the Foreign Relations Committee will unanimously support his nomination.

Sincerely,

KENNETH L. ADELMAN,  
FRED C. IKLE,  
*Distinguished Scholar,  
Center for Strategic  
& International  
Studies.*

RONALD F. LEHMAN,  
*Center for Global Security  
Research,  
Lawrence Livermore  
Laboratory.*

JOHN D. HOLUM,  
*Annapolis, MD, April 11, 2001.*

Hon. JESSE HELMS, *Chairman,*  
Hon. JOE BIDEN, *Ranking Minority Member,*  
*Committee on Foreign Relations, U.S. Senate,*  
*Washington, DC.*

DEAR SENATORS HELMS AND BIDEN: I know that the Committee is considering President Bush's nomination of John R. Bolton to be Under Secretary of State for Arms Control and International Security, the position I held during the latter days of the Clinton Administration. I congratulate you for having conducted timely hearings on his nomination. I hope the Committee will also move expeditiously to a vote, and not allow the confirmation to be delayed over matters unrelated to Mr. Bolton's fitness for office and qualifications for this assignment.

No doubt Mr. Bolton and I will find many areas of substantive disagreement. However, the most relevant point bearing on his confirmation is that he has the confidence of the President of the United States and the Secretary of State. Moreover, he has been nominated for a position with vital responsibilities bearing on our national security, including advancing our efforts against the spread of weapons of mass destruction, leadership in formulating and articulating U.S. arms control policy, assessing compliance with arms control agreements, and overseeing security assistance and munitions exports controls. He also faces the task of fulfilling the potential of our reorganization of the Arms Control and Disarmament Agency into the Department of State, and keeping arms control and nonproliferation central to the Department's mission.

So long as the Under Secretary position is not filled, the Department's capacity in these areas will be diminished, and the Administration's ability to advance U.S. interests in the world, including in the vast majority of matters on which we can all agree, will be lessened. Therefore, I strongly encourage the Committee and the full Senate to act without delay on John Bolton's nomination.

With thanks for your consideration, I am,  
Sincerely,

JOHN HOLUM.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Bolton nomination.

Mr. HELMS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time has expired. The question is, Will the Senate advise and consent to the nomination of John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—57

Allard	Feingold	McConnell
Allen	Fitzgerald	Miller
Bayh	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)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Jeffords	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
DeWine	Lieberman	Thompson
Domenici	Lott	Thurmond
Ensign	Lugar	Voinovich
Enzi	McCain	Warner

NAYS—43

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Biden	Durbin	Murray
Bingaman	Edwards	Nelson (FL)
Boxer	Feinstein	Reed
Byrd	Graham	Reid
Cantwell	Harkin	Rockefeller
Carnahan	Hollings	Sarbanes
Carper	Inouye	Schumer
Cleland	Johnson	Stabenow
Clinton	Kennedy	Torricelli
Conrad	Kerry	Wellstone
Corzine	Kohl	Wyden
Daschle	Leahy	
Dayton	Levin	

The nomination was confirmed. Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to point out to the leadership and to the Members, this vote

took 35 minutes. Many of us have hearings on the budget. We have nominees for various Secretary positions waiting. I think it is unreasonable to have a 35-minute vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May we have order.

Mr. KENNEDY. Mr. President, may we have order. The Senate is not in order, Mr. President.

The PRESIDING OFFICER. The Senator will be in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may I have the attention of the Senators.

The PRESIDING OFFICER. The Senator will be in order. If Members have conversations, please take them off the floor.

Mr. BYRD. Mr. President, a unanimous consent request is before the Senate to limit each of the next two votes to 10 minutes each.

Mr. THOMAS. Yes.

Mr. BYRD. Mr. President, with all due respect to the Senator who propounds this request, every Senator knows nobody is going to pay any attention whatsoever to that request if it is granted—nobody. I have seen this happen too many times. I would love to see some 10-minute rollcall votes here, but it is a joke. It is a joke to agree to 10-minute votes, and then forget about them, and go on and have 20 minutes, or 25 minutes, or 37 minutes, as was the case in the previous vote.

Now, I am not going to object in this case. Perhaps it will work this time. I hope it will. But I am going to pay close attention. I remove my reservation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table, and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to Legislative Session.

#### BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now

resume consideration of S. 1, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Craig amendment No. 372 (to amendment No. 358), to tie funding under the Elementary and Secondary Education Act of 1965 to improved student performance.

Kennedy modified amendment No. 375 (to amendment No. 358), to express the sense of the Senate regarding, and to authorize appropriations for title II, part A, of the Elementary and Secondary Education Act of 1965, with respect to the development of high-qualified teachers.

Kennedy (for Murray) amendment No. 378 (to amendment No. 358), to provide for class size reduction programs.

Kennedy (for Mikulski/Kennedy) amendment No. 379 (to amendment No. 358), to provide for the establishment of community technology centers.

Allen/Warner amendment No. 380 (to amendment No. 358), to provide for a sense of the Senate regarding education opportunity tax relief to enable the purchase of technology and tutorial services for K-12 education purposes.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

#### AMENDMENT NO. 372

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Craig amendment.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I assume we are now proceeding on the Craig amendment, with 1 minute for each side.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. Mr. President, I encourage my colleagues to support the amendment I have put before the Chamber. It does not cut a program. It does not even take out the cost of living or an annualized increase based on that. What it says is that the Federal Government and the Department of Education and educational programs will no longer reward mediocrity.

In title I, over the last 30 years, we have put in \$120 billion and poor kids are still lower in achievement than middle-income kids who are outside the program. It failed. In this education bill before us, we are trying to change that.

All I am saying is, if you do not measure up, and if the States do not improve the environment in which kids are learning—in other words, if kids do not improve—and it is measured by the tests and the standards within this bill—then no more Federal money goes out. In other words, we will not continue to fund mediocrity. We will set a standard and a precedence where improvement in our young people means we will reward that improvement with the use of the Federal tax dollars.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope the Craig amendment will be defeated. This is really putting the cart before the horse. If you adopt the Craig amendment, you are effectively saying there will not be any funding at all for the development of quality testing and accountability systems.

President Bush has proposed a three-fold increase in three times the amount of reading funding. That will not be available for children if the Craig amendment is adopted. Effectively, this amendment undermines what President Bush has stated are his goals in terms of trying to get increased accountability, better testing, and increased support for education. That will all be prohibited under the Craig amendment.

What we are trying to do is match resources to responsibility. That is the change in this whole bill. We are matching those two concepts. And that makes sense. But under the Craig amendment, you will be denying the President's program in increased reading and the President's program in terms of accountability. It puts the cart before the horse and makes no sense. I hope it will be defeated.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I support what the distinguished Senator is trying to accomplish. I think it is about time we let the States know they are going to have to do better; that they are going to have to measure up. I cannot, however, coming from a poor State, summarily cut this off. When I use the word "summarily," I realize we have had 35, 36 years in which to accomplish these things. But I do think they ought to be warned ahead of time.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CRAIG. This Senator's amendment would not cut any program. It would allow continued funding at that level. It does not reward by allowing the increases in the spending. That is what is important. The Senator from Massachusetts mentioned that nothing would go forward. He is wrong. Everything goes forward, and the measurements are in place.

What we are saying is, we are strong and definitive in saying that if you do not improve, you do not get the additional money.

Mr. BYRD. Mr. President, at some future time, I may support what this amendment is trying to accomplish. I think that we should have more accountability by the states. I also believe that we may need to reevaluate how Title I funds are used in the states. That being said, I do not think that this amendment is the proper way to tie funding to achievement. I represent a low-income state where Title I funds make up \$76.5 million of the money spent on education. By threatening to freeze funding until the schools improve, I fear we may be taking away the very tools necessary to achieve the improvement that we all seek both in our schools and our students. I like what the Senator is saying, but I am going to vote against his amendment at this time. Basically, I have not heard enough of this debate. And this is one thing that is wrong. Let me underline that. This is one thing that is wrong with the stacking of the amendments.

I have already stated my opposition to the stacking of the amendments.

Sometimes there is justification for stacking votes, and sometimes I will not object to it. But in the future, I am going to object more than I have in the past. It is demeaning to the Senator who offers the amendment. It is demeaning to the amendment itself to be limited to 2 minutes before we vote on it. And it is demeaning to the Senate.

When it comes to stacking votes so as to allow Senators to be away on a Monday or be away on Fridays, I am going to be hard to get along with in that regard. I hope that what I am saying will let every Senator know that in the future I will frequently object to the stacking of votes. This is a bad way to legislate.

This particular amendment ought to have more debate than it is getting. It may have had some debate—I don't know—on Friday. I am not sure. I had to take my wife on Friday to a pulmonary expert. I couldn't be here. But other Senators weren't here either. It is demeaning to come out here and offer an amendment on Friday with a shirttailful of Senators present, maybe two, maybe three, and few press people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair. I will have to vote against the Senator's amendment today, but I compliment him for trying to do something. Let's do it later.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 372. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 27, nays 73, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—27

Allard	Bunning	Enzi
Allen	Burns	Fitzgerald
Bennett	Craig	Frist
Bond	Crapo	Gramm
Brownback	Ensign	Grassley

Gregg  
Hatch  
Helms  
Inhofe

Kyl  
Nickles  
Santorum  
Shelby

Smith (NH)  
Thomas  
Thompson  
Thurmond

NAYS—73

Akaka  
Baucus  
Bayh  
Biden  
Bingaman  
Boxer  
Breaux  
Byrd  
Campbell  
Cantwell  
Carnahan  
Carper  
Chafee  
Cleland  
Clinton  
Cochran  
Collins  
Conrad  
Corzine  
Daschle  
Dayton  
DeWine  
Dodd  
Domenici  
Dorgan

Durbin  
Edwards  
Feingold  
Feinstein  
Graham  
Hagel  
Harkin  
Hollings  
Hutchinson  
Hutchinson  
Inouye  
Jeffords  
Johnson  
Kennedy  
Kerry  
Kohl  
Landrieu  
Leahy  
Levin  
Lieberman  
Lincoln  
Lott  
Lugar  
McCain  
McConnell

Mikulski  
Miller  
Murkowski  
Murray  
Nelson (FL)  
Nelson (NE)  
Reed  
Reid  
Roberts  
Rockefeller  
Sarbanes  
Schumer  
Sessions  
Smith (OR)  
Snow  
Specter  
Stabenow  
Stevens  
Torricelli  
Voinovich  
Warner  
Wellstone  
Wyden

The amendment (No. 372) was rejected.

Mr. BYRD. Mr. President, how many minutes were required for that rollcall?

The PRESIDING OFFICER. Sixteen and a half minutes.

Mr. BYRD. Sixteen and a half minutes on a 10-minute rollcall. We are doing better.

AMENDMENT NO. 375, AS MODIFIED

The PRESIDING OFFICER. On this amendment there are 2 minutes equally divided. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, one of the very important features of this legislation is upgrading the skills of unqualified teachers who are teaching poor children and also making sure that new recruits are going to be qualified teachers.

This legislation guarantees schools that have 50 percent poor children will have a qualified teacher in every classroom in 4 years.

This amendment says that we should fully fund the \$3 billion which is in the authorization to make sure all the teachers who are going to be teaching poor children are qualified. It says we ought to add \$500 million each additional year, so that in the last year there will be a total of \$6 billion a year in funding, necessary to provide continued professional development to every teacher, every year in a high poverty classroom.

There are 1,500,000 teachers who teach poor children; 750,000 are unqualified today. This amendment will ensure that we continually upgrade the skills of every one of them.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. JEFFORDS. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 375, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—69

Akaka	Dodd	Lieberman
Allen	Dorgan	Lincoln
Baucus	Durbin	McCain
Bayh	Edwards	McConnell
Biden	Ensign	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Grassley	Nelson (NE)
Campbell	Harkin	Reed
Cantwell	Hatch	Reid
Carnahan	Hollings	Rockefeller
Carper	Hutchinson	Sarbanes
Chafee	Hutchinson	Schumer
Cleland	Inouye	Sessions
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snow
Conrad	Kennedy	Specter
Corzine	Kerry	Stabenow
Daschle	Kohl	Torricelli
Dayton	Landrieu	Warner
DeWine	Leahy	Wellstone
	Levin	Wyden

NAYS—31

Allard	Frist	Roberts
Bennett	Gramm	Santorum
Bond	Gregg	Shelby
Brownback	Hagel	Smith (NH)
Bunning	Helms	Stevens
Burns	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Murkowski	
Fitzgerald	Nickles	

The amendment (No. 375), as modified, was agreed to.

AMENDMENT NO. 380

Mr. JEFFORDS. Mr. President, I ask for the regular order on this pending Allen amendment No. 380.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BYRD. Mr. President, I want the Senate to know that I voted twice on the previous vote. I was standing here by Mr. KENNEDY when I raised my hand, which I usually do. I was not behind my desk, as I usually am.

I am not complaining about anything. I am not criticizing anybody. I just want the Senate to know that I voted. Normally, I do not hold up the Senate.

I thank the Senate. I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the pending amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 380) was agreed to.

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

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. I thank the Chair.

Mr. President, I thank all of our Members for their presence and for their cooperation.

We now have the Senator from Washington on an extremely important

amendment. We hope the Senate will give careful attention to this amendment. This is one of the most important amendments we will have to this legislation. I am enormously grateful to the Senator from Washington for her leadership on smaller class size. I am sure she was reassured again today when we read the front page of the Washington Post and saw what was happening in Prince George's County. The test scores show the best gains.

When the local Superintendent of schools was asked about the factors that were most important in making progress, she quickly indicated that smaller class size in the early grades was one of the most important aspects leading to the children's progress.

Mr. President, I ask unanimous consent that the full Washington Post article be printed in the RECORD after Senator MURRAY's remarks.

Senator WARNER spoke to me and would like to join me in that request.

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

(See exhibit 1.)

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

AMENDMENT NO. 378

Mrs. MURRAY. Mr. President, I call up amendment No. 378.

The PRESIDING OFFICER. The amendment is now the regular order.

Mrs. MURRAY. Mr. President, I thank Senator KENNEDY for his work on class size, too. I saw the article in the Washington Post today. It shows that the debate we are about to have on the class size amendment is extremely critical. We know it makes a difference in our children's classrooms. We have had tremendous progress.

I hope that our colleagues will listen carefully to the debate as we bring it forward because it is an important part of education. It is what parents are looking for. It is what we are demanding of our students—achievement.

I appreciate the words of the Senator from Massachusetts, and I look forward to the debate we are about to have.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to my amendment: Senators BAUCUS, BIDEN, BINGAMAN, CLINTON, CORZINE, DODD, FEINGOLD, HARKIN, KENNEDY, REED of Rhode Island, and WELLSTONE.

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

Mrs. MURRAY. Mr. President, right now in classrooms across our country students are gathering. Right now teachers are beginning his or her lesson, and those students in that classroom probably do not know the specifics of the debate that we are about to have. They probably are not familiar with the amendment I am about to offer. But I will promise you one thing. Those students will realize the impact of how the Senate votes on this class size amendment.

Today, I am offering an amendment to continue the progress we have made

over the last 3 years in making classrooms across the country less crowded and more productive. My amendment will ensure that we keep our commitment to help local school districts hire 100,000 new teachers so that students can get the time and the attention they need and deserve in our classrooms.

We know that smaller classes help kids learn the basics with fewer discipline problems.

Just this year we also learned that smaller classes resulted in better scores on standardized tests and a higher likelihood of taking college entrance exams and a lower teen pregnancy rate.

As managers of the taxpayer dollars, we should invest in ideas that work. We know that smaller classes help our students learn.

Unfortunately, the underlying bill combines funding for class size reduction and teacher quality into one pool. As a result, local school districts would have to choose, under this bill, between providing smaller classes or funding teacher quality. They shouldn't have to choose one or the other. We should fund both. It has always been important to invest in the things that work in the classroom. This year it is even more important as I look at the rest of the underlying bill.

Since President Bush plans to punish schools that do not improve, we have to make sure that schools have the proven tools they need, such as smaller classes, to help our children learn.

Before I continue, I want to share a personal reflection about what we are doing on education this month. As we update the Elementary and Secondary Education Act, we are creating a blueprint of how we are going to support excellence in schools across the country.

As a parent and as a former educator, I cannot imagine smaller classes not being a part of that blueprint. It just does not make sense. Right now, this bill leaves behind targeted funding for smaller classes. My amendment corrects that failure and tells students, teachers, and parents across the country that we know they are concerned about overcrowded classrooms, we know they want help in hiring new teachers, and we are going to honor our responsibility to pay for them.

I want to talk this morning about the difference that smaller classes can make according to research and according to parents and teachers. We know that too many classes are overcrowded with growing enrollment and limited space. Too many students are trying to learn in classrooms that are packed to capacity, where they have to fight just to get a teacher's attention. And too many teachers are spending time on crowd control instead of spending time on curriculum.

Over the years, major studies have found that smaller classes boost student achievement. The STAR study found that students in small classes—

those with 13 to 17 students—significantly outperform other students in math and reading. It also found that students in small classes have better high school graduation rates, higher grade point averages, and they are more inclined to pursue higher education. Certainly those are goals. Every one of us in the Senate Chamber has stated that we want that for our children in our school systems in this country.

Another critical study, the Wisconsin SAGE study, consistently proved that smaller classes result in significantly greater student achievement.

Just two months ago, in March, we got more good news. Dr. Alan Krueger of Princeton University found there are long-term social benefits of being in a smaller classroom, including better scores on standardized tests, a higher propensity to take college entrance exams, a lower teen pregnancy rate, and possibly a lower crime rate for teens.

Those are the types of benefits we want for every one of our students. But you do not need research to know that smaller classes help. Just talk to parents or teachers or talk to the students themselves.

I have been in classrooms where this funding has reduced overcrowding. It makes a difference. I recently received an e-mail from Kristi Rennebohm Franz. Kristi teaches at Sunnyside Elementary School. I also should mention that Kristi is one of our best educators. She received a Milken National Teacher's Award. She received the Presidential Award for Excellence in Teaching Elementary Science, and the Peace Corps World Wise Schools Paul D. Coverdell Award for Excellence in Education. Those are some of Kristi's credentials.

Mr. President, I ask unanimous consent that her entire letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mrs. MURRAY. Mr. President, 10 years ago, when Kristi started as a teacher, she promised herself that she would take time each day to listen to her students and to understand their needs. Kristi writes to me now:

It is a promise that can only come true if we have small enough classes with enough qualified teachers in place to meet the individual learning needs of each child. . . .

She continues:

. . . because of the sheer numbers of children in our classroom, it is not humanly possible to have the educational conversations I need and want to have with each child to best assess their understandings, struggles, challenges, and progress that can inform where the next day's learning needs to go.

She says:

I can't tell you how frustrating it is to know how to teach and not be able to do the very best teaching every moment because it is difficult with too large a class and without enough teachers on board as a team to meet the learning needs of the children.

Mr. President, let's show Kristi and thousands of hard-working teachers that we do support them and want them to be able to do their best in uncrowded classrooms.

I have talked about the research, and I have shared a teacher's perspective, but I have one more example of the importance of small class sizes. It comes from the Houston Independent School District where our Education Secretary, Rod Paige, served as their superintendent.

I show my colleagues this chart. It is actually from a presentation by the former Chief of Staff for Educational Services in the Houston district, Susan Sclafani. By the way, she currently serves as Counselor to Secretary Paige at the Education Department.

Part of her presentation that I am showing on this chart shows how Houston helped turn around low-performing schools. I know we are basing a lot of this education bill on what happened in Houston at the directive of the President and Dr. Paige. They talk about test scores, but they also are very clear about what made a difference in making sure those test scores turned around and that those schools improved.

On the chart, you can see that among the seven things they have done in the Houston school district was to make classrooms less crowded. They made making classrooms less crowded one of the seven things to be done to improve education. They know it works.

In fact, Houston hired 177 new teachers through the Class Size Reduction Program that we funded at the Federal level. Houston also used the funding to provide professional development for more than 600 teachers. That is the type of support we want all communities to have.

We know that making classes smaller works. The research shows it. Parents know it. Teachers know it. Even Secretary Paige used smaller classes to make improvements in the Houston school district. There was not a miracle in Houston. There was hard work. And there was investment in what works. Class size reduction was one of those investments.

We should invest in the things that we know work in the classroom. Parents want to know that their Federal education dollars are making a difference for students.

I served on a local school board. I can tell you that hiring new teachers is difficult because you have to commit today for a new teacher when you don't know what is going to happen 3 months down the road.

That is one of the reasons why many school districts have had a hard time hiring new teachers on their own. Fortunately, they are not all on their own. Local educators have partners at the State and Federal level who are working together to help all students succeed.

That is why in 1998, Congress began the Class Size Reduction Initiative.

This program sends Federal dollars to school districts across the country so they can hire new, fully qualified teachers in grades K-3.

And let me remind my colleagues that this is a voluntary program. No school is forced to use this money. If a district wants help hiring teachers to make classrooms less crowded, they simply apply. And there is very little paperwork or administration. In fact, in my own State of Washington you can apply for this class size reduction money over the Internet on a simple, one-page form.

Many educators have told me that they have never seen dollars get so quickly from Congress to the classroom. Local schools, under this, make all the decisions about who to hire based on their unique needs. The money is also flexible. If schools have already reduced classroom overcrowding, they can use the money for teacher recruitment or for professional development. Finally, and critically, these dollars are targeted to disadvantaged students—who can make the most progress when they are in a productive classroom.

This program has been a success story for the Congress. Since 1998, we have helped school districts across the country hire 34,000 new teachers. Over the past 3 years, we have made classrooms less crowded in K-3 and more productive for almost 2 million students. It is a program that works, and we should not abandon it now. This underlying bill does not ensure that this overcrowding will be reduced because it eliminates the targeted funding for class size reduction.

Some say that we should combined funding for teacher quality and class size reduction and just let folks choose. Unfortunately, that is a false choice, and our kids will pay the price. This bill—the underlying bill—pits effective programs against each other and makes educators choose. In the end, our kids will lose if they can't have both smaller classes and qualified teachers. We should be the ones making sure that happens.

Let me repeat that. Smaller classes and qualified teachers go hand in hand. Educators should not have to choose between either making classes smaller or improving teacher quality. They need both. We should fund both. That is what this amendment would ensure.

Finally, I remind my colleagues that there are real consequences to not providing dedicated class size funding. Without my amendment, this bill could put schools in an unwinnable situation with very high stakes. The underlying bill will punish schools that do not improve. At the same time, it takes away the very tools they need to improve, and that is just wrong.

On the one hand, we are telling students to meet high standards, and on the other hand this bill takes away the support they need to get there. We can do better than that. If we want our students to succeed and we are going to

punish those who don't, now is the time to increase our investment in smaller class sizes. That is what this amendment does.

This week we are talking about many different education issues from accountability to testing to funding. Right now there is only one question being asked by each of us as Senators: Do you favor targeted funding to make classrooms less crowded or will you take that targeted funding away from your schools? How you vote on this amendment will affect millions of students who are trying to get a good education.

I urge our colleagues to support this amendment by voting yes.

#### EXHIBIT 1

[From the Washington Post, May 8, 2001]  
PRINCE GEORGE'S TEST SCORES SHOW BEST GAINS EVER

34% OF COUNTY SCHOOLS MEET U.S. BENCHMARK  
(By Tracey A. Reeves)

Prince George's County students posted their highest gains ever on a key standardized test used to gauge how local children measure up to their peers nationally, according to results released yesterday.

Prince George's has often been criticized for its abysmal test scores and spotty leadership, but its gains on the Comprehensive Test of Basic Skills are the first significant academic increases the county has registered since Iris T. Metts took over as superintendent in 1999.

According to the results, 34 percent of county schools had median test scores at or above the national average this school year, compared with 21 percent last year.

Of the schools tested, 82, or 63 percent, registered significant gains. Results also show a slight narrowing of the achievement gap between black and white students and between Hispanic and white students, an added boon for school officials who have been struggling for years to close the gap.

The improved scores brought a huge sigh of relief for Metts, who acknowledged yesterday that she felt vindicated by the results and empowered to continue her changes.

Metts said she hoped that county and state leaders would see the test scores as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings.

"We're not just achieving," an elated Metts said at a celebratory news conference announcing the test results. "We're achieving miraculously."

The mood was indeed upbeat as school officials assembled in Upper Marlboro to learn more about the results and to coax each other on in the effort to improve the school system's rank as the second-worst in the state, behind Baltimore. In the hallways, school system employees flashed wide grins as they toasted the gains with punch. Teachers and their staffs, who had been summoned to county school headquarters for the news conference could hardly contain their applause.

Principals hugged their teachers. High-fives were everywhere.

"This didn't happen by chance," said Leroy Tompkins, head of instruction for county schools. "We achieved this by focusing on what we needed to do, and it's paid off."

School Board Chairman Kenneth E. Johnson (Mitchellville), who with the rest of the board has accused of not putting the needs of students first, praised the superintendent for

the results and said the board never doubted her ability.

"The board always thought she could bring the system along," Johnson said. "All we need to do now is stay the course."

Even Maryland Schools Superintendent Nancy S. Grasmick said she was encouraged by the results, though she hesitated to classify the scores an all-out success. She is eager to see the results of Maryland School Performance Assessment Program exams, which students are taking this month.

"I expect to see improvements there, too," Grasmick said. "But all of these results will have to be sustained over a two-year period for us to really know what's happening here."

Maryland requires all public school second-, fourth-, and sixth-graders to take the basic skills exam, which tests ability in math, reading and language arts.

Prince George's is the first Maryland county to release its results, in part because it is using the scores to determine whom to recommend for a new summer program established to bring along struggling students.

Other school systems are expected to release their test scores in coming weeks.

The test is given annually to gauge trends in ability among students. Unlike the MSPAP, which generally measures how well schools are teaching children, the Comprehensive Test of Basic Skills is viewed as more useful to parents because it looks at how students did individually.

The basic skills test is also considered useful to teachers because it lets them know what areas to concentrate on and which students need more help.

Until this year, Prince George's scores have been low, flat and far from the national norm. School officials attributed the gains to the reforms that Metts has demanded.

For example, she has required all schools to give students in the early grades 120 minutes of uninterrupted reading time and 90 minutes of math a day. She has also reduced class sizes in the lower grades, and efforts are underway to remove disruptive students from classrooms. Metts and principals have also put more emphasis on training teachers.

Systemwide, Prince George's scores increased at each of the three grade levels and in every content area in the March test. For example, the rate of students scoring above the national average in reading rose from 24 percent last year to 36 percent. In math, it more than doubled, from 16.7 percent to 42.4 percent.

#### EXHIBIT 2

APRIL 30, 2001.

DEAR SENATOR MURRAY: As the U.S. Congress has its focus on educational programs, I want to take time to thank you for your tireless efforts on behalf of quality education funding for our public schools! As a primary classroom teacher in Washington State, I know first hand the challenges we face in making sure no child is left behind. While the challenges are tremendous, it is a challenge which public school teachers take on day after day, unwilling to give up and unwilling to do anything less than the very best we can and know how to do in each moment we have in the classroom. When I interviewed for my current teaching position ten years ago, one of the comments I made about my goals as a teacher was that it was very, very important that I hear each child's voice at school each day so that each child would know he/she: (1) had multiple opportunities to be listened to and heard; (2) had the opportunity to tell me what he/she understood and what he/she needed help with; and (3) had multiple opportunities to know he/she was greatly valued as a learner and person. That is a promise that needs to be reality in

order for no child to be left behind. It is a promise that can only come true if we have small enough classes with enough qualified teachers in place to meet the individual learning needs of each child and to mentor children in meeting the expectations we share for them as teachers, parents, community, state, and country.

Each school day, I try to live to that promise . . . and as I come to the end of each day, I know I have come up short . . . because of the sheer numbers of children in our classroom, it is not humanly possible to have the educational conversations I need and want to have with each child to best assess their understandings, struggles, challenges, and progress that can inform where the next day's learning needs to go. In order to best and most effectively and efficiently teach primary children, I need time each day to interact with them as individuals, in small groups and as a cohesive whole class without distractions and interruptions. I need time to build the math, literacy, science and social studies concepts, problem solving and critical thinking skills they need for today's complex and ever dynamically changing world. When I have a large class of primary children with very diverse academic, social and emotional needs and with no additional adult in the classroom to assist children, the importantly needed and valued time to work on learning with children individually and even in small groups or as a cohesive whole class can be lost.

Presently, every classroom teacher in my building is well qualified for his/her assignment and has special outstanding abilities. But we can not do the job we know how to do and keep learning new and better ways to teach in response to changing needs and in today's schools, when: (1) the numbers of students in each class makes it impossible to meet the challenges each student faces; (2) the number of adults needed to help provide education is too low; and (3) the energy toll of the teaching day (which requires planning, preparation, reflection, collaboration with colleagues and parents far beyond the time our 8:00 to 3:30 contract time) leaves teachers unable to engage in much needed professional development beyond the needs of the daily classroom instruction. We hear people say that throwing money at the challenges in education won't help, but I don't know how we can provide the number of qualified teachers needed to provide the best education possible for each child without funding those positions, without providing the funding for teaching materials and for safe, healthy learning environments that are needed, and without funding support for teachers to keep learning and growing professionally!

During this school year, I received a Milken National Teacher's Award as well as the Presidential Award for Excellence in Teaching Elementary Science, the Peace Corps World Wise Schools Paul D. Coverdell Award for Excellence in Education (which was presented at the U.S. Senate building with comments from Sen. Edward Kennedy and Sen. Christopher Dodd), a national Blue Ribbon Classroom Website Award, and just recently a grant for funding a co-teacher in our classroom for the remaining weeks of the school year to sustain and document our innovative primary curricular program where children are developing the literacy, science, social studies and math skills they need to meet state learning goals through local to global collaborative telecommunications service learning projects. I am continually learning how to teach. I often work 12 hours per school day developing and sustaining our curricular program as well as usually a full weekend day. I often spend recess time with children as well as after school time building

team support for a child and communicating with parents. I spend summers reviewing the past school year and preparing for the next. I spend time taking the course work I need to improve my teaching skills and keep my certification updated. That is what it takes to even come close to a goal of leaving no child behind. Yet, even with developing a classroom which is being recognized as outstanding, I feel that I come up short at the end of each day in providing each of the children in my class the full measure of what they need, deserve, and are capable of doing. If only we had been able to have two teachers for this many children all school year, the sky would not even be the limit for what these children could be accomplishing!!! There is no substitute for educational success for all children than critically needed time with an adult to teach them and enable them to soar! And I don't know anyway to insure that those adults are in place each day with needed qualifications without funding!!! There is no substitute for having the funds to prepare qualified teachers and have them in classrooms in great enough numbers so we can do the job of teaching that is needed for today's schools.

Almost every public school class today faces challenges of helping children with behavior. Some days, the biggest challenge comes down to making sure each child is safe from harmful physical and verbal hurt by other peers. Large class sizes greatly, exponentially exacerbate these challenges of classroom management to the point of taking away from valuable teaching and learning time. Additionally problems are compounded by not having enough school personnel to assist children facing emotional behavior needs often caused by circumstances not of their fault. Primary grades are the school years with the first opportunities for helpful interventions for children and their families on issues of academic successes and for meeting the emotional needs that affect that success. We know what to do to help. We know how to design learning programs to help children succeed but we simply can't do it unless we have the people we need to implement those programs. I can't tell you how frustrating it is to know how to teach and not be able to do the very best teaching every moment because it is difficult with too large a class and without enough teachers on board as a team to meet the learning needs of the children. People will say to me, "You are trying to do too much, Kristi, . . . your expectations for what we can do in school are too high" . . . but, to me, lowering the expectations of what's possible means some children will be left behind and I'm not willing to accept that option. How can we ever possibly be doing too much until we know every child is succeeding to the best of his/her abilities? And wouldn't it be wonderful to be at that place where we say, we have enough of what we need to meet the challenges of educating our children and we are indeed leaving no child behind? I dream of someday hearing that conversation nationally . . . and, until that conversation is truly there, we must do all we can and more just to insure we meet our educational vision and goals for all the children in our country!!!

And how can we assess if children are meeting those educational goals and we as teachers are meeting our teaching vision . . .

We can administer standardized test to a whole class to measure how students are doing according to a norm and against the skills a particular test identifies as priorities. But, those measurements provide only one form of reference on student learning and, depending on the integrity and quality of a standardized assessment, the test data may or may not be an accurate assessment

of what students understand. I can't tell you how many times, in working with primary children, I have seen a child's standardized test results communicate an assessment profile that does not provide the full measure of what I have seen that child demonstrate in the classroom learning environment lessons. Performance on an isolated skill assessment with primary children simply cannot document the whole of who they are as learners.

Primary children are growing along a developmental continuum where many of the skills and understandings that we need to see in place in these years as indicators of ongoing successful learning are best demonstrated within the context of active learning with the teacher rather than being only demonstrated in individual performance by themselves. Rather than just being able to demonstrate mastery of individual, isolated skill tasks that are assessed in a standardized test without support of a teacher and outside the context of lesson learning . . . many, many of the skills and understandings that we need to have in place in the primary years for ongoing school success are in the category of: Being able to engage in lessons with the teacher; being able to learn when being taught during a lesson; being able to actively think and talk within a teachable moment; and being able to generate a product or comment when asked to contribute and work with the teacher and peers on ideas and work directly with curricular learning materials . . .

While I am successfully using the standardized tests that are required in our district and state to provide data on student progress, if I were to rely only on those standardized skills assessments to measure the success of our children in our public schools, I would miss important documentation of learning that is taking place but simply is best revealed in the interactive teaching and learning between the student with his/her teacher and peers. A standardized test, while providing specifically focused insights on a child's progress, is just a moment of time in a child's school learning. This is especially true when assessing primary children. Sometimes, a standardized assessment presents a profile of student learning that shows a child not succeeding when in actuality, he/she has been demonstrating some successes. I have seen a standardized assessment provide data that looks like the child and the teaching is failing when in actuality neither is true. Often, the observation of a child's behaviors when responding to the challenges of an individual standardized test tell me as much about that child's learning strategies and performance as the actual numerical score that child receives. I often make documentation notes on a child's behavior during the process of administering a standardized test. This takes time for individual observations and writing on my part while also devoting energy and focus on the rest of the class . . . which is no easy task but an important one to fully understand and interpret the results of a standardized score.

Many of the standardized assessments we are required to do with our primary students require extended, individual, uninterrupted time with each student. After we give the initial instructions, we must time and record their performance. This is especially true of reading assessments as those are done while listening to, recording, timing and notating each child's reading aloud performance (while also keeping track of the rest of the class). Often these assessments can take ten to fifteen minutes per child to implement and additional time to score. While the information from these assessments can be very valuable, you can well imagine the time involved in a school day to do this accu-

rately and reliably with each child when you have a large class of primary children without any other adult assistance in the classroom. In order to do the best possible job on all assessments of student progress, we need to have smaller class sizes.

Often, the best insights I have had on children's learning progress have emerged in the process of having a cohesive whole class, small group or individual conversation about important basic skills and concepts we have been working on together and sometimes it comes from listening in on conversations a child is having with a peer as they work on their learning with one another. Those avenues of assessment tell us so much about the successes in children's learning as well as direction for ongoing learning. Those conversations will not happen unless we have small enough classes with enough teachers to hear the voices of what children are learning each school day.

Sincerely,

KRISTI RENNEBOHM FRANZ.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise in opposition to the Murray amendment and to put a little different focus on the debate.

The issue, as I see it, on this amendment is not classroom reduction. The issue is not the virtue of having smaller classrooms. The issue is not whether that is valuable or whether that is desirable. Most would say, of course, a smaller class is better than a bigger class. The issue is whether or not those choices and those decisions ought to be made at the local level.

The Senator from Washington, who is always very passionate on this issue, used Houston as an example. I will use Houston as an example. Yes, classroom reduction was part of the program. It was part of seven points, a package of seven reforms they emphasized as local reform that helped turn around the Houston school district. I emphasize that classroom reduction was only one part of the whole package. The decisions were made locally, and in addition to class size reduction you also had tutors, planning assistance, and staff development. Those decisions were made locally.

The issue is not, do we want smaller classes? Of course, we do. The issue is, do we want to continue the Washington-knows-best, top-down approach to education, when the whole thrust of this bill is to move the other direction?

The thrust of this legislation, supported on both sides of the aisle, negotiated by leaders on both sides of the aisle, is that the plethora of Federal programs has not been a productive approach and that we should consolidate those Federal streams of funding. And now along comes an amendment that says: Let's go back to the old way. Let's go back in the old direction. Instead of consolidation, let's pull this out and let's have this program prescriptive from the Federal level where we know best, where we are going to tell local educators what they should do.

The Senator from Washington said they should not be forced to choose and

that we should fund both. In fact, in this legislation we do fund both. The Teacher Quality Program is authorized at \$3 billion, which is an increase over at what the programs are currently funded.

So many people argue that when we create larger, more flexible grants, we are trying to decrease funding for these programs. That is just not true. The Professional Development Program received \$485 million last year, and the Class Size Reduction Program received \$1.6 billion. If my addition is correct, that is \$2.05 billion in these two programs. We consolidate them. We combine them and increase the funding to \$3 billion.

Furthermore, the Kennedy amendment, which just passed and which I supported, reaffirmed not only the \$3 billion number but then increases \$1/2 billion a year each year. So it is not a matter of only giving limited resources and you must choose: Do you want class size reduction or do you want professional development? We are saying: Here is both, but you decide your priorities locally. Here is the funding for both, an increase by 30 percent over what the previous administration put into class size reduction and professional development. The President and this Congress have increased that authorized level by 30 percent to \$3 billion, ensuring an additional \$½ billion each year in the future.

We said: Let the local schools, let the States decide the priority. It is not always going to be class size reduction as the highest priority. Sometimes it will be professional development. Sometimes it will be mentoring. Sometimes it will be merit pay. Sometimes it will be tenure reform. Many times it will be class size reduction. We ensure they will always have the option of spending that money as they see best.

The issue is not do you want class size reduction. The issue is, do you want real local control? Do you really want them to have the choice or do you think we know best?

There has been a growing consensus that what we have done for the last 35 years, with Washington creating more programs and making more prescriptions, has not been the right approach. There has been a growing consensus on both sides of the aisle that we need to consolidate. This is a move in the wrong direction, the opposite direction, to pull this out and say: In this area, we know best; you must do class size reduction if you want these funds.

Studies by Eric Hanushek, a professor at the University of Rochester, show that teacher quality is the most important factor in a child's instruction. So while class size is very important, even more important than class size is the quality of the teacher in that classroom.

Oftentimes professional development is going to be even more valuable than ensuring there are fewer children in the classroom, and we should not make the determination of what is needed locally. This new flexible grant, the

Teacher Quality Program, allows States and school districts to continue class size reduction if they choose. They are not mandated to do so.

The National Commission on Teaching & America's Future found that class size reduction has the least impact on increasing student achievement and that teacher education and teacher quality had the most impact on increasing achievement.

One other point: For rural States such as Arkansas, we have many school districts, many times very small school districts. This kind of Federal program simply doesn't work. If you calculate what local schools in Arkansas get, it is about a third of a teacher per school district. For many small school districts, this kind of a program just doesn't work. It is far better to put additional funding in a program with greater flexibility so local school districts will have enough resources so they can actually make a difference.

While I agree many school districts and many States are going to put as priority No. 1 cutting the size of classes, in some areas that is not going to be priority No. 1. We should not make that decision for them and say: The only way you can access these funds is if you spend it in this way.

I reluctantly oppose the Murray amendment. We are putting considerable new resources, a 30-percent increase, into this Teacher Quality Program, and that will ensure that schools are going to be able to make the right kind of choice and the right kind of investment to get the best return in academic achievement. The Teacher Quality Program in this bill recognizes that mandates from Washington aren't the way to improve teacher quality. This legislation gives more flexibility to States and school districts but holds them accountable for teacher quality and, most importantly, student achievement.

I underscore again that this amendment is counter to the entire thrust of this education reform legislation. We should not make the mistake of returning to the past and reducing again the very important flexibility and decisionmaking authority that should reside at the local level.

So while I know this amendment is well intended, it is really counter to the kind of reform that will result in greater student achievement and improved education across this country, and I hope my colleagues will join me in opposing the Murray amendment and staying consistent with a desire to consolidate and provide greater flexibility, with meaningful accountability, and thus keep our focus upon the children and their educational future.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mrs. CLINTON. Mr. President, I associate myself with a number of the points made by my friend from Arkansas. Clearly, what we are attempting to

do is to put the emphasis on what works and to provide to our children the opportunity to have the best possible education.

I have been very privileged over the last 20 years to know quite a bit about education in Arkansas, which my good friend has the privilege of representing, and now I know a lot about education in New York. I have no doubt that my friend, were he still here, would agree with me that our goals are the same for the children in both States. We want to provide the best possible educational opportunities, but we face very different challenges.

What I saw and worked on for many years in improving education in Arkansas, which was one of the great honors of my life, is very different from what I now see day in and day out in New York City, where we have more than a million children in our school system.

I agree with my friend that what we are crafting is an approach that will give to local school districts, parents, and teachers the tools to make the right decisions for the children whose futures they hold in their hands. That is why I wish my friend were still here—and I will seek him out later to talk with him privately about this.

That is why I am such a strong supporter of Senator MURRAY's amendment because what Senator MURRAY has done is point out very clearly that one size does not fit all; that what we need to do is provide the tools that will enable each school district in each State to deal with the problems they face.

So I want to be part of passing legislation, in a bipartisan way, that will be the best for Arkansas, the best for Washington, the best for Vermont, and the best for New York because we will have honestly looked at all the different tools we need to provide our local educational authorities with in order that they can do the job we are now asking them to do their very best in achieving.

So I am very proud to be a cosponsor of this amendment and to stand with my colleague in stating my commitment to supporting the Class Size Reduction Initiative, both because it is voluntary and provides additional funding to schools that are in desperate need of such funding and, maybe most important, because we know it works.

I went back and reread President Bush's blueprint for education called "No Child Left Behind." In it, he expresses dismay that over the years Congress has developed programs without asking whether or not programs produce results or even knowing the impact on local needs. Later on, the President goes on to suggest that under his education plan, which is really the core of what we are debating in this education debate, he will focus on what works and ensure that Federal dollars will be spent on effective, research-based programs and practices and that the funds will be targeted to

improve schools and enhance teacher quality. That is certainly what the committee on which I am proud to serve, under the leadership of the Senator from Vermont, attempted to do in reporting out such a bill—to focus on what works and to target funds to improve our schools and enhance teacher quality. President Bush and I absolutely agree on this point.

I have often said that I sometimes fear Washington is an evidence-free zone where, despite whatever evidence we have, we don't follow it, we don't put it to work, and we spin our wheels too much. Well, I believe we should look at what works, what has had a positive impact in raising student achievement, what has helped at the local level give very necessary resources; there is no better example of what works than reducing class sizes so that teachers can teach and children can learn.

Allow me just a moment to review the research demonstrating that reducing class size has proven results. Teachers who teach in classes of 18 students or fewer in the early grades are helping to raise student achievement for our most educationally disadvantaged students who are attending schools in high-poverty neighborhoods, where we all know it is harder to teach.

Senator MURRAY was a teacher. She was on a school board. I don't think any of us should kid ourselves; there are some school districts and some schools where it is just hard to teach, where children come to school with all kinds of challenges and difficulties. We know, as we look at the research done, that if we focus on getting that class size down with a qualified teacher—this should not be an either/or; it should be a qualified teacher and a small enough class size—then we can have very positive results.

I particularly point to the work Senator MURRAY and I highlighted in a press conference a few weeks ago that was done at Princeton University by an economist named Dr. Alan Krueger, who tracked the performance of well over 11,000 elementary school students at 79 schools in a Tennessee pilot program known as Project STAR. This was done randomly. The results are scientifically provable. What he found, and what everyone who has studied it has found, is that smaller class sizes have a tremendously positive impact on student performance and, particularly, on African American students.

We want to be supporting both excellence and equity. That is why I support accountability. I think we should know what our children know and what they don't know. I also believe everyone in this Chamber understands that we have to do more to increase the opportunity for excellence by focusing on the students who are most likely to be left behind. To me, the fact that African American students have such positive results from lower class size is a very strong argument for us renewing this commitment.

There are other studies which have found exactly the same thing. A Rand study—and Rand usually studies issues such as the military and defense and national security—focused on cost-effectiveness of educational resources in raising scores on the NAEP, the National Assessment of Educational Progress. It is a test that is given to a randomly selected group of our students across the country. We use it to track how well we are doing as a nation.

What Rand found in looking behind these test scores was that the higher scores could be traced to investments in lower class sizes in the early grades—plus, higher prekindergarten participation, lower teacher turnover, and higher levels of teacher resources. So it is that complement of cost-effective strategies that I think we should be supporting in this legislation.

Later in the debate, I will focus on the importance of supporting early learning opportunities and trying to retain our teachers because we are losing our teachers at an alarming rate. I brought this photo of P.S. 19 in Jackson Heights, Queens, which is one of the magnets for immigration into our country. People come to Kennedy or LaGuardia Airports and they end up in Queens. I wish I could take every Member of this body to the schools I visit in Queens where bathrooms are classes, hallways are classes, and where children speak 40 to 100 different languages, where they are packed in there and where a teacher, despite her best efforts, can't possibly connect with all these children.

Yesterday, I was in a school that works in Manhattan, the New Manhattan School. It is a wonderful school. I met for a long time with the teachers, the principal, and the superintendent of the district. It is an old building, built in 1904. It is packed to the rafters. They are adding teachers into classrooms so if they do not have the additional classrooms, at least they have more qualified teachers in those classes so the children get the attention of the adult responsible for their learning.

It is important we understand there have to be opportunities for local communities to make choices. I believe having this tool is essential for providing good opportunities for choices to be made.

With the funds appropriated in 2001, it is expected the Federal Government's Class Size Reduction Initiative will bring nearly 40,000 qualified teachers into classrooms. Any one of us who goes into a large city in our country knows that if we do not have qualified teachers and we do not have low class sizes, we can test until the cows come home and we are not going to find anything other than what we already know: that children from high-poverty areas, from dysfunctional backgrounds without adequate training for academic work are not going to do well, but that a qualified teacher working with a small enough group of children,

as Senator MURRAY knows so well, can make all the difference in that child's future.

When we looked at this issue in New York City, we saw the results clearly. Two years ago, the program was initiated and class sizes in New York City were 25 percent larger than statewide. With both Federal and State initiatives, we were able to reduce class size for approximately 90,000 students in the early grades, almost 30 percent of the city's K-3 population.

I want people to keep in mind, I am talking about a million children and 90,000 children. I know it is hard for some people who represent States without that many people in the State or maybe only half that many to understand we are dealing with huge numbers in a lot of the large cities. It is not just the numbers; it is the real lives behind those numbers.

When we looked at the results, after 2 years of efforts, we were very pleased because achievement went up in those classrooms where, with Federal help, we were able to add a teacher.

That does not mean the local communities do not have to continue doing their part, and it does not mean the State does not have to do its part, but we have gotten behind in what we need to do for our children. We need all hands on deck. We need everybody pulling together. Education is a local responsibility in our country, but we all know it has to be a national priority.

Let us make sure we focus on both teacher quality and lower class size. That is why this amendment, which Senator MURRAY has championed and has been successful in persuading a bipartisan group of Senators to support in the past, is a critical component of this legislation.

If we can make it possible for class sizes to remain small in the early grades, we improve the chances dramatically of producing a productive, functioning citizen who can find his or her way in this complicated society and global economy that awaits them in the 21st century.

Yesterday, when I was in this wonderful school that was filled to the brim, they took me into a bathroom that had been turned into a guidance counselor's office. They did not have any other space. We went into the gym and children were doing their physical activity which I believe in strongly. We have to keep children's bodies active as well as their minds.

There was a partitioned area in which there were more offices. They were making the best of a very difficult situation. They had just been told a school down the block, a little elementary school, had been condemned. We will get to that later in this debate, too. This school had been condemned. It is unsafe for our children and teachers.

There is a school in Mechanicsville, NY, where a piece of concrete fell on a teacher's head while teaching in the classroom.

There is a condemned school a few blocks from where I was yesterday. They are already packed. The school I visited will be taking in the children from that condemned school.

This is a critical component of the commitment to excellence and equity, accountability, and resources that the President has called for which so many in this Chamber have championed for many years. We have the money to do this. We just have to determine whether we have the will.

I call on my colleagues, and echo the very eloquent call of the Senator from Washington, that we recognize that continuing this initiative does help local communities meet the needs they see right in front of them and let us make sure we do everything possible to make every child believe he or she is important so that at the end of this debate the bill we pass truly will leave no child behind.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment. The role that teachers play in the efforts to improve educational opportunities for young people is perhaps the most important next to the role of parents.

The bill before us includes significant changes related to the critical job of providing teachers the quality professional development activities they deserve. Supporting our Nation's teachers is a key element of education reform. A 1999 survey by the U.S. Department of Education, pertaining to the preparation and qualifications of public school teachers, reported that continued learning in the teaching profession is essential to "building educators' capacity for effective teaching, particularly in a profession where the demands are changing and expanding." Over the last decade, States have been developing standards that are directly tied to academic achievement and performance. S. 1 builds on that movement.

Having a highly qualified teaching force is a major factor in getting students to meet and exceed the standards. While there is near total agreement that strong, capable teachers are very important to a successful educational system, we have done little to help our teachers be at the top of their profession. There are still too many educators teaching outside their field of their expertise. Too often, teachers are offered one-shot, one-day workshops for professional development that do little to improve teaching and learning in the classroom. Professional development activities often lack the connection to the everyday challenges that teachers face in their classrooms. A recent evaluation of the Eisenhower Professional Development program notes that "the need for high quality professional development that focuses on subject matter content and how students learn that content is all the more

pressing in light of the many teachers who teach outside their areas of specialization.”

Title II of this bill addresses these serious professional development deficiencies. S. 1 draws on the strongest elements of the Eisenhower program while including authority for other initiatives that have an impact on teacher quality. The bill provides flexibility to school districts to address the specific needs of individual schools through activities such as recruitment and hiring initiatives; teacher mentoring; retention; and other long-term professional development efforts. S. 1 prohibits Federal dollars from being used for “one-shot” workshops that have been criticized for being relatively ineffective because they are usually short term and lack continuity. In addition, these one-day workshops are often isolated from classrooms and schools which serve as the professional development laboratories.

S. 1 authorizes a major investment of funds, \$3 billion, which will be used by school districts to improve the quality of teaching in the classroom. The funding level of the teacher quality section of this bill represents the combining of funds and authorities from the current Eisenhower program and the class size reduction program. The purpose of combining the funding streams is to give school districts the flexibility they need to make the investments that will lead to having a highly qualified teacher in every classroom—either by using the funds to hire teachers or providing first rate professional development or both. This bill clearly states that Federal funds must be used for activities that will improve teaching and learning in the classroom, including the hiring of highly qualified teachers if that hiring will improve student performance. The decision as to how the Federal funds will be used will be made by the local school district.

My home State of Vermont serves as a good example of success through local decisionmaking. Vermont strongly supports funding for class size reduction. Yet, since the first dollar was appropriated for class size reduction, Vermont sought greater flexibility to use most of the money for professional development activities that would improve the quality of the teacher in the classroom. Because Vermont already had small classes that met the Federal mandated level of 18, a large portion of Vermont’s share of the class size reduction monies has been used for professional development.

I want other States to do what Vermont has done if that is what is in the best interest of its students. Reducing class size is important. Having a dynamic, highly qualified teacher at the head of the classroom is of equal or perhaps, even greater importance. Title II of this bill supports both efforts and does so in a manner that allows school districts to come up with their own recipe for improving student achieve-

ment and performance. I am opposed to the class size reduction amendment because I believe that local schools are in a better position than we are to determine how best to distribute funds in regard to professional development and teacher hiring. S. 1 as passed by the committee gives local school districts the opportunity to make the decision about the expenditure of dollars for the purpose of improving their teaching force which will, in turn, lead to overall student improvement.

I see the hour of 12:30 p.m. has arrived.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess—

Mr. WARNER. Mr. President, I ask unanimous consent that the recess be deferred for about 6 minutes so I can address the Senate.

Mrs. MURRAY. Mr. President, if I could just make a 1-minute wrapup before we turn to the Senator from Virginia, I would appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Mr. President, let me state we will have more time, obviously, this afternoon to debate the class size amendment. I appreciate the comments from the chair of the HELP Committee in this regard.

I agree with him. Professional development is extremely critical. That is why my amendment to separate the professional development funds from class size funds is extremely important. We want our schools to have professional development but not at the expense of reducing class size, which we know works. That makes sure Federal tax dollars are spent wisely at the local level—and which is a local decision, I say to the Senator from Arkansas, who spoke earlier.

If a school district doesn’t want to participate, they certainly do not have to do so. But for the many schools out there, for 2 million students who have benefited, let’s not take it away now. Let’s make sure they are in a class size in K-3 that allows them to learn math, science, basic reading, and they are able to succeed in the future.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Chair and my colleagues for their indulgence.

I was greatly taken by the distinguished manager of the bill, Chairman JEFFORDS, and his recognition of teachers. I have here the President’s really wonderful message on education entitled “No Child Left Behind.” I am sure the chairman agrees with me, if we do not accord equal assistance to teachers, we cannot hope to achieve the goal that no child will be left behind.

Mr. JEFFORDS. I certainly agree with the Senator.

Mr. WARNER. I thank the chairman.

Mr. President, I rise today in support of our Nation’s teachers and to say thank you to the over 3,000,000 teachers in this Nation for all of the hard work and personal sacrifices they make to educate our youth.

This week is “Teacher Appreciation Week” and today, May 8, 2001, is “National Teacher Day.” Today, I will be introducing a resolution in the Senate where the Senate will make the appropriate designations to honor our teachers with this appreciation week and day.

This resolution already has as original cosponsors Senators ALLEN, BROWNBACK, COCHRAN, JEFFORDS, CRAIG, THURMOND, CRAPO, and ENZI. Mr. Coverdell, who unfortunately was taken from us some time ago, introduced a similar resolution in 1999.

How appropriate it is that Teacher Appreciation Week and National Teacher day are upon us as we in the Senate are considering legislation to reauthorize the Elementary and Secondary Education Act.

The legislation that is before us today, the Better Education for Students and Teachers Act—the “BEST” Act—is based on a principle put forth by President Bush entitled, “No Child Left Behind.”

As we move towards education reforms to achieve the goal of “Leaving No Child Behind,” we must keep in mind the other component in our education system—the teachers. If we fail to accord equal recognition to our teachers in this debate, our children will be left behind.

All of us know that individuals do not pursue a career in the teaching profession for the salary. People go into the teaching profession for different personal commitments—to educate the next generation, to strengthen America.

While many people spend their lives building careers, our teachers spend their careers building lives.

Simply put, to teach is to touch a life forever.

How true that is. I venture to say that every one of us can remember at least one teacher and the special influence he or she had on our lives.

Even though we are all well aware of the important role our teachers play, it goes without saying that our teachers are underpaid, overworked, and all too often, under-appreciated.

In addition to these factors, our teachers also expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending money out of their own pocket on three types of expenses:

1. Education expenses brought into the classroom—such as books, supplies, pens, paper, and computer equipment;

2. Professional development expenses—such as tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors; and

3. Interest paid by the teacher for previously incurred higher education loans.

These out of pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Estimates are that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement and increased student enrollment.

While the primary responsibility rests with the states, I believe the federal government can and should play a role in helping to alleviate the nation's teaching shortage.

Here is an example of such help. On a federal level, we can encourage individuals to enter the teaching profession and remain in the teaching profession by reimbursing them for the costs that teachers voluntarily incur as part of the profession. This incentive will help financially strapped urban and rural school systems as they recruit new teachers and struggle to keep those teachers that are currently in the system.

With these premises in mind, I introduced, "The Teacher Tax Credit." This legislation creates a \$1,000 tax credit for eligible teachers for qualified education expenses, qualified professional development expenses and interest paid by the teacher during the taxable year on any qualified education loan.

I ask unanimous consent to have a copy of my tax bill printed in the RECORD.

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

S. 225

*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 TEACHER-Tax Credit Act".

**SEC. 2. CREDIT FOR TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

**"SEC. 25B. TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the qualified education expenses paid or incurred by the taxpayer during the taxable year,

"(2) the qualified professional development expenses paid or incurred by the taxpayer during the taxable year, and

"(3) interest paid by the taxpayer during the taxable year on any qualified education loan.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for the taxable year shall not exceed \$1,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in a public elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(2) ELEMENTARY AND SECONDARY SCHOOLS.—The terms 'elementary school' and 'secondary school' have the respective meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect of the date of enactment of this section.

"(3) QUALIFIED EDUCATION EXPENSES.—The term 'qualified education expenses' means expenses for books, supplies (other than non-athletic 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 teacher in the classroom.

"(4) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

"(i) for tuition, fees, books, supplies, and equipment required for the enrollment or attendance of an individual in a qualified course of instruction, and

"(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) directly relates to the curriculum and academic subjects in which an eligible teacher provides instruction,

"(ii) is designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

"(iii) provides 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),

"(iv) provides instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in clause (iii) learn, or

"(v) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of the eligible teacher.

"(5) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(e)(1), but only with respect to qualified higher education expenses of the taxpayer.

"(d) DENIAL OF DOUBLE BENEFIT.—

"(1) IN GENERAL.—No deduction or other credit shall be allowed under this chapter for any amount taken into account for which credit is allowed under this section.

"(2) COORDINATION WITH EXCLUSIONS.—A credit 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.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of sub-

chapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Teaching expenses, professional development expenses, and interest on higher education loans of public elementary and secondary school teachers."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. WARNER. Mr. President, this legislation, S. 225, is cosponsored by Senators MIKULSKI, ALLEN, DEWINE, COCHRAN, HARKIN, and ENSIGN. The National Education Association also has endorsed this legislation.

I am not introducing The Teacher Tax Credit Act as an amendment to the education bill before the Senate because, procedurally, it would stop this bill because of the "blue slip" taxation procedures in the House of Representatives.

I do propose today a Sense of the Senate amendment on the importance of providing additional tax relief for our Nation's teachers.

This amendment simply states that it is the Sense of the Senate that during the 107th Congress, the Senate should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses they incur to improve the education of our Nation's students.

I note that President Bush agrees that teachers should receive tax relief to help defray the costs associated with classroom expense and professional development costs.

The President's education blueprint to the Congress contained a specific reference on page 13. I will read it:

Provide tax deductions for teachers: Teachers will be able to make tax deductions up to \$400 to help defray the costs associated with out-of-pocket classroom expenses such as books, supplies, professional enrichment programs and other training.

The concept is in the President's blueprint. Frankly, with all due respect to President Bush, I want to go a step further and make it stronger, not just a deduction you have to work with and hope you get the money back, but an absolute tax credit on that tax return to take right away off the bottom line. Frankly, I think the \$400 falls a little short and I would like to see more.

I also note that Senators COLLINS, KYL, and HATCH have worked diligently on legislation providing tax relief to teachers.

On National Teachers Day, and during Teacher Appreciation Week, I urge all my colleagues to support this important amendment that will put the Senate on record in support of tax relief legislation for our Nation's teachers.

I thank the Chair and my chairman for allowing me to participate at this time in this debate.

I send the amendment to the desk, a sense of the Senate, and I await comments from the Chair. Then I will ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. JEFFORDS. I am aware of your amendment. I also said on the Finance Committee, not only can I assure you it will get notice here, I assure you I will communicate your wishes to the chairman of the Finance Committee and support you.

AMENDMENT NO. 383 TO AMENDMENT NO. 358

Mr. WARNER. Mr. President, I send to the desk my amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

Mr. WARNER. At the appropriate time, subject to the leadership of the Senate and management, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The clerk will report the amendment by number first.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 383 to amendment No. 358.

The PRESIDING OFFICER. Without objection, the reading is dispensed with.

The amendment is as follows:

(Purpose: to provide a Sense of the Senate regarding tax relief for elementary and secondary level educators)

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.**

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately \$40,582.

(2) The average starting salary for teachers in the United States is \$26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average \$408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators

spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

Mr. WARNER. I ask for the yeas and nays

The PRESIDING OFFICER. There is not a sufficient second at the moment.

Mr. WARNER. At the moment.

Perhaps I could engage the attention of my two colleagues. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The yeas and nays were ordered.

RECESS

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Warner amendment.

Mr. McCONNELL. Mr. President, it is my understanding that I would be recognized to lay down an amendment at 2:15, and I am here to do that.

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

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

AMENDMENT NO. 384 TO AMENDMENT NO. 358

Mr. McCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 384 to amendment No. 358.

Mr. McCONNELL. Mr. President, I ask unanimous consent that 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.")

Mr. McCONNELL. Mr. President, I rise today to offer an amendment to the BEST Act which incorporates the provisions of legislation I introduced earlier this year, the Paul D. Coverdell Teacher Protection Act. This important legislation extends protections from frivolous lawsuits to teachers, principals, administrators, and other education professionals who take reasonable steps to maintain order in the classroom.

The Teacher Liability Protection Act builds upon the good work Congress began in 1997 when it enacted the Volunteer Protection Act. As Senators may recall, the Volunteer Protection Act provides liability protections to individuals serving their communities as volunteers. After bringing several volunteer protection amendments to the floor through the 1990's and introducing the Volunteer Protection Act during the 104th Congress, I was blessed when Senator Paul Coverdell joined me in helping to steer this measure through the 105th Congress and have it enacted in 1997. Now, we need to extend similar liability protections to our nation's teachers, principals, and education professionals who are responsible for ensuring the safety of our children at school.

Everyone agrees that providing a safe, orderly environment is a critical component of ensuring that every child can reach their full academic potential. Teachers who are unable to maintain order in the classroom cannot reasonably be expected to share their knowledge with their pupils, whether it be in math, science, or literature. Disruptive, rowdy, and sometimes violent students not only threaten the immediate safety of their classmates, they threaten the very future of our children by denying them the opportunity to learn. Unfortunately, teachers, principals, and other education officials share an impediment in their efforts to ensure that students can learn in a safe, orderly learning environment: the fear of lawsuits. All too often, these hard-working professionals find their reasonable actions to instill discipline and maintain order are questioned and second guessed by opportunistic trial lawyers.

Today's teachers will tell you that the threat of litigation is in the back of their minds and forces them at times to act in a manner which might not be in the best interests of their students. A 1999 survey of secondary school principals found that 25 percent of the respondents were involved in lawsuits or out-of-court settlements in the previous two years—an amazing 270 percent increase from only 10 years earlier. The same survey found that 20 percent of principals spent 5 to 10 hours a week in meetings or documenting events in an effort to avoid litigation. This is time that our educators should spend counseling students, developing curriculum, and maintaining order—not fending off frivolous lawsuits.

Mr. President, allow me to illustrate my point with several examples.

In May of 1998, representatives of the Bethlehem Area School District learned that one of their students, Justin Swidler, had created a web site where he solicited money to hire a hit man to kill his math teacher, Mrs. Kathleen Fulmer. According to a local newspaper account, the web site contained images of the principal being shot and "a picture of Fulmer which changed, or "morphed" in to a portrait of Adolf Hitler." The site, which bears a name I cannot repeat on the Senate floor, also listed reasons "Why Fulmer Should be Fired" and then reasons "Why She Should Die." I think that deserves repeating: The list was not limited to the typical juvenile carping about a teacher. It listed why she should die.

The school district, much to its credit, expelled Justin Swidler. However, rather than encouraging young Justin to take responsibility for his actions, the response of Justin's parents was all too predictable—they hired a lawyer and they sued. First, they sued the school district. Then, they sued the principal. After that, they sued the superintendent. Finally, in the coup de gras of the litigation, the Swidlers sued the teacher whom their son had threatened to kill. I repeat, the Parents sued the teacher whom their son had threatened to kill.

What reasons did the Swidlers give for their suit? they claimed, among other things, to have suffered "embarrassment, ridicule, humiliation, isolation and severe emotional distress" as well as financial loss and "inconvenience." The Swidlers wanted the school to pay because they suffered "embarrassment" and "inconvenience" because their son threatened the life of his math teacher? That is utterly outrageous. The boy's father, Howard Swidler, also claimed his son had difficulty enrolling in a new school because "teachers wouldn't provide recommendations." I can imagine that. The teachers at Nitchmann Middle School didn't want to write a letter of recommendation for this kid who had compared a fellow teacher to Hitler and threatened to have her killed. What nerve of those teachers not to write a recommendation under those circumstances.

These lawsuits and countersuits drug out in the courts for more than 2½ years. During this time, good reputations were besmirched, distinguished careers were ruined, and each party accumulated what we can only estimate to be thousands of dollars in legal bills.

After all of this litigation, who finally won here?

The student didn't win. His expulsion was upheld and worse yet, he learned from his parents that the appropriate way to defend indefensible behavior is to file a lawsuit. That is what he learned.

The teacher didn't win. Upon returning to teaching, she found that the publicity surrounding the case had irreparably damaged her credibility in

the classroom, and she was forced to leave her chosen profession.

The principal didn't win. He found himself so thoroughly frustrated and saddened by the toll the incident had taken on his school, he decided to take early retirement.

Justin's classmates didn't win. The school's students were denied resources which should have been used for their education that were instead used to defend the school from a lawsuit.

After all of this, I think the only possible winners in this case were the lawyers who generated 2½ years worth of billable hours, from the Swidlers, the Fulmers, the principal, the school district, and, yes, the students.

Let me give you another example.

Three students in Anchorage, AK, were caught accessing pornographic material over the Internet during a computer class at school. The school, acting within its discretion, removed the students from that class and gave them an F for the semester. However, one of the students had earned a grade point average which placed him at or near the top of his class. Realizing that the F would prevent the student from being honored at his graduation, the student's family hired a lawyer and sued the school.

After a protracted legal battle, the school was forced to withdraw the F in a settlement once the judge warned the school he would likely rule against it. Is this what we want? Do we want lawyers and judges deciding what grades a student should receive or aren't we better off leaving this to the teachers in the classroom and principals in the schools?

Another example: Last year, a high school cheerleading coach in Lebanon, TN, required her squad to run some laps during practice. One of the girls objected to this assignment and referred to it as a "piece of [blank]". In response to the girl's insubordinate and vulgar language defying her coach in front of her teammates and classmates, the coach suspended her for an upcoming game against Lebanon's arch rival, Mount Juliet High.

Those of you who have been listening closely to my remarks can guess what the girl's family did next. Why, of course, they hired a lawyer, and they sued the coach. What is amazing is that the cheerleader won an injunction against the coach hours before the ball game with the court requiring that she be given the opportunity to cheer. While this case might cause us to chuckle, it points to a real problem. It sends a horrible message to wayward students that school officials don't have any real authority and students don't take any responsibility. If you don't like a teacher's decision or a principal's decision, just hire a lawyer and sue the teacher. Don't listen to your teacher; listen to your lawyer.

These are but a few of the instances in which frivolous lawsuits threaten to undermine discipline in our Nation's classrooms. While each of these cases is

troubling, what I find more disturbing are the cases that aren't publicized at all. These are the cases where the teacher or principal looks the other way or decides not to discipline a misbehaving student because of the fear—the fear—of a lawsuit.

Many educational organizations recognize frivolous lawsuits as a problem. That is why the Teacher Protection Act has the support of the National Association of Secondary School Principals and the National Association of Elementary School Principals. I respectfully ask unanimous consent that letters from these organizations be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL SCHOOL BOARDS ASSOCIATION,  
Alexandria, VA, Apr. 27, 2001.

Senator MCCONNELL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: The National School Boards Association (NSBA) understands that you plan to introduce an amendment to the Elementary and Secondary Education Act (ESEA) regarding liability protection for school officials who take reasonable actions to maintain order, discipline, and an appropriate educational environment. NSBA is pleased that the amendment extends liability protection to individual school board members.

This provision is necessary because frequently, a student will sue the school district (meaning school board), and then they will sue the teacher, the principal, the superintendent, and the board members in their individual capacities. As a result, the school district expends time and money defending these claims brought against school board members acting in their individual capacity. School district budgets are stretched too far, and unnecessary litigation results in less money being spent on educating our nation's students. Providing individual school board members liability protection will reduce litigation costs in local school districts and will also provide for the swift dismissal of suits against individual school board members.

We recognize that this narrow exception may raise concern that professional staff might feel they have a "free hand" in the discipline of students. In this regard, it should be emphasized that with respect to school discipline, professional educators are subject to school district policies, court enforceable due process requirements, and in any extreme cases, the criminal code. And when it comes to such areas as criminal conduct and gross negligence, the exemption of this amendment would not apply. In all cases, the school district can still be sued. Accordingly, this amendment retains the limits and deterrence of possible professional error or misconduct through other legal avenues while enabling school officials to do their jobs, without fear of litigation, in rendering their sound judgement in the great majority of situations involving student safety and a sound learning environment.

NSBA supports your effort to provide liability protection to individual school board members and looks forward to the measure being adopted when the full Senate considers ESEA. If you have any questions please contact Lori Meyer, director of federal legislation, at 703-838-6208.

Sincerely,

MICHAEL A. RESNICK,  
Associate Executive Director.

NATIONAL ASSOCIATION OF  
SECONDARY SCHOOL PRINCIPALS,  
Reston, VA, Feb. 28, 2001.

Hon. MITCH MCCONNELL,  
U.S. Senate, Senate Russell Office Building,  
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the National Association of Secondary School Principals—the preeminent organization representing the interests of middle level and high school principals, assistant principals, and aspiring principals—I would like to thank you for introducing S. 316, a bill that provides for teacher and principal liability protection.

As a nationwide survey of principals conducted last year indicates, schools across the nation are eliminating or altering basic programs and activities due to the fear of lawsuits. Twenty percent of those responding reported spending 5-10 hours a week in meetings or documenting events in efforts to avoid litigation and six percent put that number at 10-20 hours a week. At a time when society is heaping greater academic expectations on our schools, we cannot afford to lose one minute, or one dollar, or one school program to frivolous litigation.

There is a growing shortage of qualified candidates applying to be principals occurring at the same time that roughly 40 percent of practicing principals are expected to retire from their jobs within the next five to ten years. A study conducted last year by the Educational Research Service on behalf of NASSP and the National Association of Elementary Principals reflects that two of the three primary reasons that discourage candidates from applying is because the position is too stressful and there is too much time required for the requisite responsibilities. There is no doubt that frivolous lawsuits and activity related to that litigation contributes to the level of stress experienced by principals.

While we applaud your efforts to provide liability protection to teachers and note that the bill's definition of "teachers" is inclusive of principals, we believe the title and references contained in the bill should reflect this intent. Principals, as school leaders, are typically named on lawsuits involving teachers.

Sincerely,

GERALD N. TIROZZI, Ph.D.,  
Executive Director.

NATIONAL ASSOCIATION OF  
ELEMENTARY SCHOOL PRINCIPALS,  
Alexandria, VA, March 13, 2001.

Hon. MITCH MCCONNELL,  
Russell Senate Office Building, Washington,  
DC.

DEAR SENATOR MCCONNELL: On behalf of the National Association of Elementary School Principals (NAESP), representing more than 28,000 elementary and middle school principals, I am writing to express our support for your bill, the Paul D. Coverdell Teacher Liability Protection Act of 2001. If enacted, this measure, S. 316, would be helpful to principals, teachers, and other professional school staff. While we welcome accountability, we are very concerned about the proliferation of lawsuits.

Recent surveys conducted by NAESP and the American Tort Reform Association indicate that there has been a significant increase in lawsuits against educators. Nearly a third of the suits were dropped, about one-quarter were settled out of court, and the remainder were resolved in the principal's favor. Virtually no judgments were found against principals, a fact that leads one to conclude that many of the suits could be described as frivolous. Each time there is a lawsuit, valuable time must be taken away from the teaching and learning process and

devoted to legal matters. A principal in Washington State spent more than 100 hours one year on legal work surrounding one special education case. This principal is responsible for a school with 500 students and a staff of 40. Not only do lawsuits exhaust many hours; even worse is the effect they have had on principal-student and principal-family relationships. Principals are increasingly cautious about the decisions they make, including implementing changes in the way students are taught and disciplined. This is obviously a hindrance to effective school reform efforts. The simple act of comforting a child in distress has also changed; no longer do school staff members feel that they can put a hand on a child's shoulder to calm the child down or provide an encouraging pat on the back.

Although your bill's title refers only to teachers, its definition of "teachers" clearly includes principals, and we appreciate that. Thank you for your work to turn down the heat, so to speak, and discourage unnecessary lawsuits.

Sincerely,

VINCENT L. FERRANDINO,  
Executive Director.

Mr. MCCONNELL. In fact, frivolous lawsuits are such a concern to educators that many teachers unions tout liability insurance as a key reason for joining their union. The Missouri NEA advertises on its website that:

A \$2 million educators employment liability (EEL) policy is the cornerstone of MNEA's professional protection plan. The coverage, automatic with membership, includes up to \$2 million in damages and additional payment for legal fees for most civil and some criminal lawsuits arising out of job-related incidents while members are working.

In Texas, where the legislature has already adopted a comprehensive teacher protection bill, the Texas State Teachers Association, TSTA, touts its insurance program as a strong incentive for joining its union:

For the times when life goes haywire and people are reacting with emotions rather than reason, rest assured that TSTA is watching out for you. Our \$6 million liability policy sets a new standard for professional protection and coverage is automatic with your [union] membership.

For my Senate colleagues who question whether or not this is indeed a serious problem, you ought to know that the Maine NEA disagrees with you. This is what the Maine NEA says:

If something happens to a student in your class, on your bus, or in your area of supervision, you can be sued and held individually liable. By virtue of your employment, you could place your home and savings at risk due to the claims of an angry parent.

However, Maine teachers should not fear, the e-mail continues:

All MEA members are immediately protected by NEA's \$1 million professional liability policy from their first day of membership.

This legislation is structured similarly to the Volunteer Protection Act of 1997 and is nearly identical to teacher protection legislation introduced by Paul Coverdell, S. 1721, in the 106th Congress. Simply put, this amendment extends a national standard to protect from liability those teachers, principals, and education professionals who

act in a reasonable manner to maintain order in the classroom. It does not preempt those States that have already taken action to address this problem, and it allows any State legislature that disagrees with these strong protections to opt out at any time. Since the legislation builds on Senator Coverdell's fine work, my colleagues and I thought it would be highly appropriate that it bear his name.

At the same time, it is important to note that this amendment is not a "carte blanche" for that minuscule minority of school officials who abuse their authority. The amendment does not protect those teachers who engage in "willful misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety" of a student. Nor does the amendment preclude schools or local law enforcement entities from taking criminal, civil, or administrative actions against a teacher who acts improperly. Rather, the amendment is simply designed to protect those teachers, principals, and educational professionals from frivolous lawsuits.

This is not new ground for our colleagues in the Senate. In 1999, the Senate agreed to a similar amendment offered by Senator Ashcroft. During the second session of the 106th Congress, Senator Coverdell successfully included a nearly identical amendment in the Senate's version of the ESEA reauthorization bill. It was approved by this body by an overwhelming vote of 97 to 0. Unfortunately, as we all know, efforts to reauthorize the ESEA stalled on the Senate floor. It is now the appropriate time for the Senate to revisit this issue, and I hope give its full endorsement.

I look forward to working with my fellow original co-sponsors and the rest of the Senate to see that these important protections are enacted into law on behalf of America's hard working and dedicated teachers.

Again, Mr. President, we voted on this in the last Congress. This amendment was approved 97-0. It is my hope that it will be accepted by the Senate this year. It has widespread support on a bipartisan basis and would add greatly to the underlying bill.

I have completed my opening observations on the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the amendment now before the Senate?

The PRESIDING OFFICER. It is the McConnell amendment No. 384.

Mr. REID. Mr. President, I don't know what the unanimous consent request was of the Senator from Kentucky, but I ask unanimous consent that we go back to the Murray amendment that was pending prior to the break.

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

The Senator from Missouri.

AMENDMENT NO. 378 TO AMENDMENT NO. 358

Mrs. CARNAHAN. Mr. President, I commend my colleague, Senator MURRAY, for highlighting class size and the pupil-to-teacher ratio as a key ingredient to educational excellence.

A dramatic increase in the student population in all grades throughout the country has presented a serious shortage of teachers. During the past 8 years, as first lady and now as Senator, I have traveled across Missouri visiting schools in every part of the State. I have spoken with many dedicated educators who are frustrated by having classes so large that individualized instruction is impossible. Teachers do their best under the circumstances, but they are handicapped when those in our communities and government ignore the plight of our classrooms.

Missouri's classroom teachers know that smaller classrooms and more individualized attention to students translates into higher achievement scores, especially for children of low-income families.

Students in smaller classroom settings are more likely to graduate on time and less likely to drop out, and they are more likely to enroll in honors classes and to graduate in the top 10 percent of their class.

It is not only the number of kids in the classroom that concerns me but the physical condition of the classroom itself. Far too many school buildings are in need of repair. Two years ago, the U.S. Department of Education reported that about 25,000 of the Nation's existing school buildings had "extensive repair or replacement needs." The Department estimated that almost 12 million students were attending schools with poor roofing. Another 12 million were in buildings with outdated plumbing, and almost 15 million were in buildings with inadequate heating, ventilation, and air conditioning.

In Missouri's public schools, they face the daunting prospect of some \$4 billion in construction needs over the next decade. In addition, 59,000 children in Missouri study in portable classrooms. In Nixa, MO, the Nation's second fastest growing school district, all fourth graders at Matthews Elementary are in trailers behind the school.

Too many of our schools have a crisis of infrastructure. Allowing this is a sad commentary on our priorities in the 21st century. Because I believe that improved classrooms are essential to the future of our Nation, I will vote with Senator HARKIN later this week to provide a Federal investment in school infrastructure.

True, we must demand high standards and rigorous accountability in our schools, but reform can only come with the resources to do the job. It must come with flexibility for States and local school districts to meet their unique needs. Any nutritionist or mother will tell you that it takes good food to grow strong bones and bodies. Likewise, we cannot have strong schools if we starve the educational system.

At a time of record budget surplus, it is our moral responsibility to do what is right for our children. We need a major new commitment to public education. To do less is to falter in our stewardship as elected leaders and as parents and as citizens.

The time is now and the place is here. As the poet, Gabriela Mistral, reminded us:

Many things can wait, the child cannot. Now is the time his bones are being formed, his blood is being made, his mind is being developed. To him, we cannot say tomorrow, his name is today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CLELAND. Mr. President, last Congress the Senate debated the reauthorization of the landmark Elementary and Secondary Education Act. Unfortunately, that debate ultimately broke down over disagreement on the federal role in education and the course we should pursue to improve America's schools. That debate has now resumed under a new President and a new Congress. Today there is real bipartisan agreement on measures we can take that will lead to a better future for America's public schools and the fifty million students who rely on those schools to provide them with a quality education.

The Better Education for Students and Teachers Act, unanimously supported by the Senate HELP Committee, encompasses President Bush's emphasis on literacy and his laudable goals to improve reading skills in the early grades and among disadvantaged students. Consensus also exists among Republicans and Democrats alike that in order to improve student achievement, we must also improve teacher quality. What teachers know and can do are the single most important influences on what students learn, according to the National Commission on Teaching and America's Future.

And yet today in America, nearly one quarter of all newly hired public school teachers lack the qualifications for their jobs, and approximately the same percentage of all secondary school teachers—25 percent—do not have even a minor in their main teaching field. The BEST bill endorses President Bush's emphasis on the importance of improving teacher quality and his proposal for holding States accountable for providing all students with "effective teachers."

This brings us to the core of President Bush's education plan and the bipartisan BEST bill: the creation of a new accountability system which for the first time links Federal funding to school performance. This account-

ability system includes support for high standards for schools serving disadvantaged students; annual testing in reading and math for all students in grades 3 through 8; public dissemination of school-by-school data on achievement; additional assistance for low-performing schools; and consequences for schools which fail to make needed improvements. With this emphasis on accountability comes a new emphasis on flexibility—providing States greater freedom and choice in using Federal funds to address their own needs and special situations.

Given these important principles of bipartisan agreement, there still remain issues which divide this body—issues which have been discussed forcefully and effectively by Members on both sides of the aisle: the seminal issue of funding, the compelling need to upgrade and repair America's public schools, the priority of class size reduction, to name just three.

Research has repeatedly shown, for example, that class size directly relates to the quality of education. Students in smaller classes consistently outperform students in larger classes on tests, and are more likely to graduate on time, stay in school, enroll in honors classes, and graduate in the top ten percent of their class. I have supported in the past, and will continue to do so, a national effort to hire and train 100,000 additional qualified teachers to reduce class sizes in the early grades. It is an investment in reducing teacher turnover and in improving student performance.

As some Members have noted on this floor, the education bill has evolved from the BEST bill reported out of committee. It is a work in progress, shaped by negotiations still on-going. During debate on S. 1, I intend to offer the provisions of my Immigrants to New Americans Act as an amendment. Information from the 2000 census shows that the impact from a dramatic surge in immigration is transforming the Nation.

This surge in immigration is increasingly challenging U.S. schools and communities from Florida to Washington State. My amendment would provide resources to these communities to help ensure that children with diverse linguistic and cultural backgrounds—and their families—are served appropriately. This amendment is based on legislation Senator Coverdell and I introduced in the last Congress, and it would provide funding to partnerships of local school districts and community-based organizations for the purpose of developing model programs with a two-fold purpose: one, to assist immigrant children achieve success in America's schools and, two, to provide their families with access to comprehensive community services, including health care, child care, job training and transportation. It has widespread support, including endorsement by the U.S. Conference of Mayors, the National Association for Bilingual Education, the League of United Latin

American Citizens, and the National Council of La Raza.

At the appropriate time I will also offer an amendment that addresses the all-important issue of teacher quality. Each school year more than 45,000 under-prepared teachers—teachers who have not even been trained in the subjects they are teaching—enter the classroom. Astounding. We know, too, that those students most in need of help are those who have the least access to quality teachers and teaching. Just consider: Over half of title I resources go into teaching assistant salaries. Yet less than one-fifth of teaching assistants have a college degree, and only 10 percent have college degrees in the nation's poorest title I schools. This is a formula for student failure.

Fortunately, the education bill we are debating acknowledges the well-researched fact that the training of our Nation's teachers is the single most important in-school influence on student learning. The amendment I will offer allows States an additional option of providing funds to innovative collaborations of K-12 schools and institutions of higher learning devoted to professional preparation of teacher candidates, faculty development, the improvement of practice, and enhanced student learning.

The amendment I will offer now addresses the troubling issue of violence in our Nation's public schools. No other event in recent times has so united Americans—from Savannah to San Antonio to Sacramento—as the student shootings in Littleton and Heritage High, and in other schools across the country. There is a consensus in every borough, town and city throughout the United States: Bloodshed in our schools cannot and will not be tolerated.

Therefore, I offer an amendment to the education bill that addresses the critical issue of safety in America's classrooms.

AMENDMENT NO. 376 TO AMENDMENT NO. 358  
(Purpose: To provide for school safety)

Mr. CLELAND. Mr. President, I ask unanimous consent to lay aside the Murray amendment we are currently considering in order to send my amendment to the desk.

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

Mr. CLELAND. I send to the desk amendment No. 376 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 376 to amendment No. 358.

Mr. CLELAND. 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 May 4 under "Amendments Submitted.")

Mr. CLELAND. Although data show juvenile violent crime decreased in the late 1990s, appearing to counter the predictions of a teenage crime wave, criminologists and policymakers remain concerned about the continued high level of juvenile violence. The tragic shooting at Heritage High School in Conyers coupled with the incident in Littleton, Colorado and the other recent senseless shootings in our Nation's schools serve as terrible indications of the seriousness of the youth violence problem. I have traveled throughout Georgia, speaking and exchanging ideas with students, teachers and parents regarding this critical issue. Although there is certainly no one answer to the problem of youth violence, I believe that an open dialogue among educators, students, community leaders, and law enforcement officials is a crucial first step.

In fact, a report issued by the Department of Education in August, 1998, entitled "Early Warning, Early Response," concluded that the reduction and prevention of school violence are best achieved through safety plans which: involve the entire community; emphasize both prevention and intervention; train school personnel, parents, students, and community members to recognize the early warning signs of potential violent behavior and to share their concerns or observations with trained personnel; establish procedures which allow rapid response and intervention when such signs are identified; and provide adequate support and access to services for troubled students. In addition, the Department of Justice's Bureau of Justice Statistics and the Department of Education's National Center for Educational Statistics found that in 1998, "students aged 12 through 18 were victims of more than 2.7 million total crimes at school . . . [and they] were victims of about 253,000 serious violent crimes . . ." Amazing. While overall indicators show declines in school crimes, students still feel unsafe at school.

Therefore, my amendment, the school safety enhancement amendment, which is based on legislation developed in the last Congress by Senator Robb of Virginia, would establish a National Center for School Youth Safety tasked with the mission of providing schools with adequate resources to prevent incidents of violence. The National Center for School Youth Safety would establish an emergency response system, operate an anonymous student hotline, and conduct consultation, information and outreach activities with respect to elementary and secondary school safety. Under my amendment, the center would offer emergency assistance to local communities to respond to school safety crises, including counseling for victims, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

My amendment would also establish a toll-free, nationwide hotline for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior.

Finally, the National Center would compile information about the best practices in school violence prevention, intervention, and crisis management. Specifically, the center would work to ensure that local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime, giving special attention to providing outreach to rural and impoverished communities.

My school safety enhancement amendment would require coordination among three Federal agencies on the all-important issue of safety in our schools. Specifically, it would authorize a total of \$24 million in grants by the Secretaries of Education and Health and Human Services and the Attorney General to help communities develop community-wide safety programs involving students, parents, educators, guidance counselors, psychologists, law enforcement officials or agencies, civic leaders, and other organizations serving the community. In order to establish the National Center for School and Youth Safety the amendment authorizes the Secretary of Education to make available \$15 million from amounts appropriated to the agency, and the Attorney General to make available \$35 million from amounts appropriated for programs administered by the Office of Justice Programs of the Department of Justice, for each of fiscal years 2002 through 2005.

Organizations that support this amendment include the National Education Association, the International Brotherhood of Police Officers and the Georgia Association of Chiefs of Police.

It is essential that we come together as a Nation to provide the necessary resources to support our children at every level and that means providing safe learning environments for all of our children. Therefore, I urge the Senate to support school safety and our children by adopting my amendment.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered. The Senator from Washington.

Mrs. MURRAY. Mr. President, what is the pending amendment?

AMENDMENT NO. 378

The PRESIDING OFFICER. The Murray amendment was set aside temporarily for consideration of the Cleland amendment. Now the Cleland amendment has been set aside.

Mrs. MURRAY. I assume we are on amendment No. 378, class size.

The PRESIDING OFFICER. The Senator is correct. We are on the Murray amendment.

Mrs. MURRAY. Mr. President, we began the discussion this morning about the very important issue of reducing class sizes in first, second, and third grades. To me, this is one of the most important issues facing us as we debate the Elementary and Secondary Education Act: whether or not we are going to continue our commitment to first, second, and third grade classrooms across this country to ensure students are in a class small enough for them to learn the basic skills that all of us want them to learn: reading, writing, and math.

I see the Senator from Iowa is on the floor. He has been a very strong supporter of reducing class size in early grades.

I yield for him.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first I thank my friend and my colleague on the Education Committee, Senator MURRAY from Washington, for always being in the forefront of this battle to make sure our class sizes are small enough so the kids can learn and teachers can teach. Truly, as I traveled around my State and traveled around the country, visiting different schools in different areas, Senator MURRAY's name has become synonymous with the nationwide drive to get smaller class sizes for all of our kids in elementary school. So I congratulate her for being our champion on perhaps one of the most important steps we can take to ensure success in school.

To hear tell from the administration and from President Bush, some would have you believe the most important thing we could do is test, test, test, year after year, as the most important way to assure success in school. I strongly agree with the need to demand greater accountability but if a teacher has 25, 28, 30 or more kids in a classroom, I don't care how many times you test them—you can test them every month, you can take their temperature every month—you are cheating those kids and you are cheating the teacher because that teacher simply cannot give the kind of hands-on instruction that the teacher needs to give to individual students. So the most important thing is not testing. I will say more about that later. The most important thing is to get the kids early in life.

I know Senator MURRAY was a preschool teacher. It is the most important job she has ever had in her life, I would say. It is more important than even being a Senator, as a matter of fact. And by serving on the school board, she brings the hands-on knowledge about education that so many of us probably lack.

I never taught school, and I have never been on a school board, so I put great weight and great credence on the positions taken by Senator MURRAY

when it comes to issues of elementary and secondary education. I think Senator MURRAY has eloquently stated—not just eloquently but backed with the data and the facts—that smaller class sizes lead to better student performance and a healthier atmosphere in our schools. It reduces violence in our schools. When kids are not crowded together, when they have some space and they have that one-on-one with the teacher, their frustration level decreases and they can better learn and better associate with their peers.

In the debate we are going to have on elementary and secondary education, we are all going to have important amendments. I am going to have one on school construction, to help our schools meet that need. But really, when you think about what we need in the earliest years—kindergarten, first, second, third grade—this amendment, I submit, is the single most important. You can have the most modern classrooms in the world; you can have the best buildings; you can be wired for the Internet; you can have all this great stuff; but if you have one teacher teaching 30 kids, it doesn't mean a thing. So this really is the hub around which the rest of this is all spinning.

I have seen with my own eyes what has happened in the last couple of years in my State of Iowa with class size reduction. When you talk with teachers who have had 25, 28 students and they now have 18—I talked to one teacher in Iowa who had 15 students in a first grade class. She thought she had died and gone to heaven. She said: This is why I became a teacher. When I went through college and I got into student teaching, I remember I was in classrooms with 28 or 30 kids. I got out of college and I remember—the first class she told me about, I forget the exact number but it was 25, 26, 27, 28 kids. Now she has 15. She says now she can teach as she was taught in college. You could just see it on her face, just how she felt about her job. You could see it in the kids' faces, too. I will have more to say about that in a second.

This is what we are talking about. This is a picture that says it all. It is a modern classroom. It is well lit, well structured. There is plenty of work space. There are 18 kids. This is the Cleveland Elementary School in Elkhart, IN. That is the kind of classroom a teacher needs, to be able to give the kind of personal attention that a student needs. That is what we are talking about, that kind of classroom.

The Class Size Reduction Program has been a great success. Since 1999 when Senator MURRAY first started this effort, more than 29,000 teachers have been hired and more than 1.7 million children are benefiting because they are in smaller classes. Yet the bill we have—and I might say the budget we are going to be voting on tomorrow—will not allow us to continue this program. This is not the time to abandon the national commitment we have had in the past to reduce class size across America.

As I said, we have the data. We have the research. It has confirmed what we intuitively already knew, what students knew, what teachers knew: smaller classes boost student achievement. They get better grades.

We also know that minority students especially perform better than their peers in larger classes. The news release was put out on August 6 about Project STAR, the Student-Teacher Achievement Ratio. It is a Tennessee study. It tracked the progress of 11,600 elementary school students and their teachers comparing those who were randomly assigned to smaller classes—13 to 17 students for grades K-3—with those randomly assigned to larger class sizes—22 to 25 pupils—or regular size classes with a teacher's aide.

All the students were in regular-sized classes from the fourth grade on. So, again, they compared the students in the smaller class sizes, 13 to 17 students, with students who were in classes that had 22 to 25 students. What they found was smaller classes have a greater effect on African-American students than white students. While students were in smaller classes, the black-white gap in achievement fell by 38 percent. That is significant, 38 percent. And it remained 15 percent smaller after the students returned to normal-sized classes after the fourth grade.

While they were in kindergarten through third grade, the gap between the score achievement results for students between black and white increased by 38 percent. Even when, in fourth grade, they went into regular size and bigger classes, it was 15-percent smaller than for those who were never in smaller classes.

Again, what we all know is if you get to them early in life and you give them good instruction and good teaching and good support, it carries on. If you cheat them out of that early in life, that also carries on.

How many times do we have to learn around here that patching, fixing, and mending will get you a little bit, but to do it right in the first place in kindergarten, first, second, third and, I submit, even in preschool, means you don't have to patch and fix and mend and repair later on, and you are much further ahead.

That is what this study shows. This was not just a small study; this was 11,600 students. The study says that smaller pupil-teacher ratios can account for almost all of the narrowing of the black-white gap since 1971 as measured by the National Assessment of Educational Progress exam.

The study says smaller classes increased the likelihood that black students who take the ACT or the SAT college entrance exams grew from 31.8 percent to 41.3 percent, a sharper increase than among white students, which grew from 44.7 percent to 46.4. If all students were assigned to a small class, the authors of the study wrote, the black-white gap in taking a college

entrance exam would fall by an estimated 60 percent.

Think about that. If all students were assigned—they are extrapolating, I know. We have the study of 11,600. If you extrapolated that out, the black-white gap in taking college entrance exams would close by an estimated 60 percent.

When we talk about not leaving kids behind, let's face it. What are we talking about? Under the Bush budget that we see coming down the pike and we will be voting on tomorrow, he says leave no kid in the suburbs behind. Leave no kid behind who has well-heeled parents, or parents who are Senators, Congressmen, Presidents, or CEOs of major oil companies, or law firms. Let's face it. We have good public schools. We are talking about the kids who have bad schools and poorly trained teachers. Yes, we are talking mostly about minority students.

As we talk about trying to leave no kid behind, we should be talking about not leaving behind those who are at the bottom of the economic ladder. That is really what we are talking about. You don't leave those at the top of the ladder behind. They are never left behind. We make a good living here. Our kids are never left behind. The sons and daughters of CEOs, of corporation lawyers and lawyers downtown and college teachers are never left behind. The sons and daughters of those who are new Americans, many of them immigrants who come to this country, and the African Americans who have been denied the opportunities for education in our country for as long as they have been here on our shores—and that goes back 400 years—is what we are really talking about, not leaving kids behind who are at the bottom rungs of the ladder.

If that is what we are talking about, then we need smaller class sizes because the study shows they are the ones who benefit the most. Everyone benefits for smaller class size. Don't get me wrong. But those who are minority students who come from the low socioeconomic strata of America are the ones who benefit the most.

The teen birth rate for those assigned to smaller classes is one-third less among white females and 40 percent lower for black teenage males.

Crime: Conviction rates were 20 percent lower for black males who were in smaller classes than their peers who were in regular size classes.

Perhaps these aren't statistically absolute, but statistically they show trends and what happens when you have smaller classes.

Again, we are talking about not leaving any student behind. This is really the hub of it. There is the center of the universe. A lot of it is spinning around out there in terms of having better schools and better trained teachers, better equipment, wired to the Internet, accountability, and testing. All of that is sort of spinning around out there. But in the center of all of it is

how many kids per teacher are in these earlier classes. You can have the best trained teacher in the world. If you put him or her in a class of 30 kids and they can't teach well, those kids are going to be cheated.

This is really the amendment to say whether or not we really care about leaving any children behind.

As I said earlier, I have visited many schools in my State in the last couple of years since we started the class size reduction program. The enthusiasm and the support among the teachers, the principals, and parents is incalculable. Time after time they were saying, thank you; it is about time we were doing this.

Last month I held two appropriations field hearings in Iowa. I heard from a lot of people about all aspects of elementary and secondary education. But I think the most poignant testimony had to do with class size reduction.

Jolene Franken, president of the Iowa State Education Association, has 30 years of teaching experience in Iowa elementary schools. This is what she told me:

Try teaching 30 students versus 20 students and see how much individual help you can give to students. . . . In order for teachers to do their best, they must know their students' needs, learning styles, strengths and weaknesses—these things are impossible with large class sizes.

Sherry Brown, Cedar Falls, testified on behalf of the Iowa PTA. She said:

The advantages of small class-sizes in the early grades on overall academic achievement are well documented, but the advantages also include improved parent involvement. When teachers have fewer students, they have fewer parents with which to communicate and are able to confer with them more frequently.

Maybe that is something some of us haven't thought about. After what Sherry said, I thought about it. It stands to reason that we want parents more involved with their kids' education. A lot of that has to do with the teacher talking to these parents and getting the parents involved. When you have a huge class and 60 parents, it is very hard to communicate with all of them. Cut that down by a third or more. Then you can see what Sherry Brown was talking about. They can talk to the parents more frequently.

During a visit to Starry Elementary School in Marion a while back, I spoke with Reggie Long, a first grade teacher for 30 years. She told me she really appreciated the smaller classes. She said:

It's nice because I can give individual attention to the kids. We just give them so much academically now. If you don't give them individual help, they can't succeed and we can't succeed as teachers.

The superintendent of the school district said:

The key to effective teaching is getting to know the students and parents.

William Jacobson said that it is easier when teachers have fewer students in their classes.

Two years ago, Angie Borgmeyer, a teacher in Indianola—my home coun-

ty—had 27 students in her second grade class. I visited her last year, and because of class size reduction, she was down to 21 students. She thought it was still too many, but she said 27 was way too many. She said:

It's very difficult with that many students. When you're trying to teach them to read and give them basic arithmetic, you need to be able to do it in a small group and give them individual attention.

She pleaded with us to continue the program because her goal was to get down to 18 students, where she believes she could really then fulfill her obligation and her commitment to being the best teacher possible.

The Class Size Reduction Program is simple. It is flexible. It is popular. So I, for one, cannot understand why we are having a problem. Is it budgeted? It can't be the budget. The budget has \$400 billion in some contingency fund—\$400 billion—for the next 10 years. So it can't be a budgetary matter. We have a surplus out there. We are going to give tax breaks, they tell me, to a lot of people. People who make over \$1 million a year are going to get tax breaks. So this is not a budget item. It is not that we do not have the money to do this. We do. It is a matter of priorities. That is all it is, a matter of priorities: what do we want to do?

Last week, with the help of Senator JEFFORDS, Senator MURRAY, Senator HAGEL, and others on both sides of the aisle, we adopted an amendment that appropriated \$181 billion for special education over the next 10 years to help us meet our goal of providing at least 40 percent of the average per pupil expenditure. We did that. And there is money to do that.

So it seems to me that, again, in our actions we could ask: Is that a priority? Yes, it is. Certainly it is a priority.

A few minutes ago I said that perhaps the biggest beneficiaries of smaller class sizes are our minority students. I take it back. I misspoke. The biggest beneficiaries of smaller class sizes are our students with disabilities—our kids who have special needs, who no longer are warehoused and pushed into institutions but are now living with their families and are going to their neighborhood schools with their friends and their neighbors, but they have special needs.

They may be physically disabled. They may be mentally disabled or a combination of both. But would anyone stand in this Chamber and say it is time to turn the clock back? That those kids should not be in the classroom? That we ought to go back to the old days that I know a lot of us remember, when kids with disabilities were sent across the State to some institution, deprived of the support of their families, deprived of their friends and their neighbors, simply because they had one disability or another? I bet there isn't one Senator who would stand in this Chamber and advocate that. I do not think there are too many

people in this country who would advocate that.

We have come too far. We know that both the kids with the disabilities and the kids without the disabilities benefit from this interaction in our classrooms. We have seen it. We know it.

The kids without disabilities become more sensitized. They become more understanding. As I have said many times in dealing with this issue of education and disability, when you put such kids together early on, then the fact that they are going to later associate in the workplace with someone who has a disability is no big deal.

When we first passed the Americans with Disabilities Act, more and more people with disabilities started getting into the workplace. I spoke in this Chamber many times and said: I know what people are saying. They are uncomfortable around people with disabilities. They don't know what to do. They don't know how to act. I have always said: Just be yourself. You'll be far ahead. But I understand that.

To break down that feeling of being uncomfortable or not being able to associate with people who have disabilities, put all children in school together. Let them play together. Let them grow up together. They will find that it is no big deal. So it helps kids with disabilities and kids without disabilities. It helps all of society.

What am I getting to in talking about this? I guess what I am getting to is that we put all this money into special education, to help our local school districts meet their obligations to educate kids with disabilities, but the biggest beneficiaries of small class size, I would submit, are those kids with disabilities.

If you have a big class, how much attention is that student with special needs going to get? If you have a smaller class, the teacher can pay more attention to both the minority students and the kids with disabilities.

So I correct what I said. I think the biggest beneficiaries of smaller class size maybe are not minority students but kids with disabilities. It seems to me, if we want to back up what we did last week, in providing the funds for special education, this is the amendment with which to do it, to make sure we have smaller class size.

Maybe this isn't the time, but I am constrained, nonetheless, to talk a little about an issue because it is going to come up—I anticipate that it will come up—and that is the whole issue of discipline and discipline in our schools.

It is a major issue. I am not in any way denigrating it nor saying the problem isn't there, that it does not exist. Of course it does. Any of us who have put kids through school know that it is an issue. But time and time again, when I have looked at the issue of discipline, especially when it concerns children with disabilities, who are under an individual education program, an IEP—which qualifies them under the IDEA program—most often, the

discipline problem arises out of the frustration that this young person with the disability has because their special needs are not being attended.

I remember a classic case one time where we had a deaf child, a deaf student, in a classroom and they were using visual aids, television. The kids would watch television as part of their learning program. I don't know whether it was "Sesame Street" or whatever. I am not certain what the program was. After a few days of this, the student who was deaf began to act up and throw things, hit other kids, became disruptive. What was the first impulse of the teacher? Get that kid out of class. The kid is becoming disruptive; I can't handle him.

They pointed out that the reason the kid was disruptive was because he didn't understand what was going on on the television—they didn't have closed captioning—because he had been deaf since birth. He had trouble speaking. So he was acting out his frustration by being disruptive in school. But when they fixed the problem, they put in closed captioning, it was amazing; the discipline problem went away.

You are going to hear more about this issue of discipline. Keep in mind how frustrated and angry some of these kids who have special needs and disabilities got, and they are not being supported so that they can get an appropriate education.

Again, I come back to my point. If we have smaller class size, the teacher can pay more attention to the student with special needs. Any way you measure it, I believe this amendment before us now is the key to having healthier, happier, more productive students, students who will go on to achieve more. The idea that somehow if we are going to test later on—we are going to test from the third to the eighth grade—we are going to test every year now, that somehow this is going to make them better students, there is a place for testing—but not without the support of the funding for it, though—if you don't have smaller class size, this testing isn't going to mean a thing. That is why we have to adopt this amendment.

I don't suppose the camera can pick these up. I had some other items here that were sent to me. Here are some second grade kids in McKinley School in Des Moines who made some posters for me, talking about how they felt with smaller class size.

Here is one that said: "There are more books and time to spend with adults." That is a second grader who wrote that.

Here is another one. I like this one. These kids are all standing in line to go into the library, and this student said: "It takes less time to do things."

Smaller class size means they don't have to stand in line so long to get their books. This is looking at it through the eyes of second graders who have seen what it means to be in smaller classes.

I like this one. This is Chelsea. Chelsea says: "There is more space in my

classroom." The kids aren't crowded together. Think what it means to a child to have a little bit of space; they are not all crowded together. It means a lot to us, too.

Here is another one. This is Miguel Gonzalez. He says: "We are not crowded." And you can see all the kids are happy. They all have smiling faces.

This is from Tony. Tony says: "More books so I can learn easier, from the library." I assume he means he can get more books so he can learn easier because it is not so crowded. He is reading a book about space, he wrote there. That is a second grade kid.

Here is one; this is Gentrie. Gentrie says: "I can spend more time with the teacher." Here is the teacher saying, "Hello, Gentrie." And here is Gentrie saying, "Let's talk." A second grade kid, through this picture, says: "Hello, Gentrie." She says, "Let's talk." With smaller class size, Gentrie can talk to her teacher.

That kind of sums it up in terms of the Murray amendment and what it means.

We are going to have a budget conference report, I guess, tomorrow. We put \$320 billion into that budget. Senator JEFFORDS and others, Senator SPECTER, Senator CHAFEE, had all voted to put more money into education. We had over \$300 billion that we put in for education over the next 10 years. The Bush budget had \$21.3 billion for 10 years. We said that is not enough. So we boosted that to \$320 billion over 10 years.

The House, interestingly enough, had passed the budget with the President's figure of \$21.3 billion in education over the next 10 years, an increase. Usually when we pass something here and they pass something different in the House, we go to conference and compromise somewhere between the two. We passed a \$320 billion increase in education over 10 years; the House passed a \$21.3 billion increase over 10 years. You would have thought that maybe we would have a compromise somewhere in the middle. The conference report has come back with a zero increase for education. They didn't even take President Bush's \$21.3 billion, as meager and penny pinching as that was. They zeroed it out.

So the money we put in for education, the budget conference that we will consider later this week a zero increase, zero. What they did was they took all the money and put it in a contingency fund, \$400 billion in a contingency fund for 10 years. That pot of money can be used for anything, as I understand it. It can be used for anything we spend money on. So that means education is sort of put down on the level with everything else. It is not that important. We will just put it down with everything else. But this Senate, last week, said education was more important; that it deserved to be increased by over \$300 billion over the next 10 years. Later in the week we will have a budget conference report

that says: No, not only will we not even put in the President's \$21.3 billion increase; we will put in a zero increase for 10 years.

That is why I believe it is so important for us to have a strong vote on the Murray amendment for class size reduction. Once again, we have to tell those budget negotiators that what they did is totally inadequate, if we are really going to meet the needs of education over the next 10 years.

That is why I am hopeful we can have a good, strong vote on the Murray amendment. We know the figures. We know the facts. We have the studies. We know what smaller class size means. If we just stop and think to ourselves, think about our own educations and our backgrounds, it is just common sense. We really don't need a lot of study. Sometimes just good old-fashioned common sense tells us what we ought to do, that a smaller class is going to mean more individual attention. As Gentry said, she would talk to her teacher more. Teachers can talk to parents more. Common sense says we have to do it. We have to have smaller class size.

I guess the second question is, Can we afford to do it? Well, when you have \$400 billion sitting in a contingency fund, nonallocated, for 10 years, I say yes, we can. We were talking about \$1.6 billion last year. This amendment is \$2.4 billion. Let's see, if I am not mistaken, that would be about one-half of 1 percent, roughly, of what is in that contingency fund. Can we say we can't use some of that money to reduce class size? I think we have to follow common sense around here and recognize that, yes, we have the resources; yes, we are a rich enough country; yes, we have the money to do this; and we ought to do what is right.

We ought to adopt the Murray amendment and continue what we have done for the last couple of years, which is working. We know it is working. The parents love it, as do students and teachers. We know it is going to benefit the kids of America. Why stop now? I think the answer is, don't stop it now; keep it going. Keep reducing class size. Let our teachers teach the way they want to teach and our students learn the way they want to learn, in close relationships. We will have healthier and better schools in the future for America.

I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senator from Virginia be allowed to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I will simply say the compassionate speeches we have heard are interesting and certainly true. Earlier today we had Senator KENNEDY's amendment, which will give billions of additional dollars to localities for teachers so that children can have more individualized atten-

tion, or whether it is paying teachers more, or for teacher development, or stipends. That is a very good idea to empower local school boards to meet local needs as regards teachers.

(The remarks of Mr. ALLEN are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise, first, to support the amendment by the Senator from Washington regarding class size reduction. This is a very important amendment. It is one that will result in \$13 million of additional funds coming to my State of New Mexico in fiscal year 2001.

It is a very important initiative and one that I hope very much we can adopt as part of this bill.

I want to also speak more generally about the legislation that is before us and begin by complimenting Senator JEFFORDS, the chairman of the Health, Education, Labor, and Pensions Committee, and the ranking member, Senator KENNEDY, as well as our staffs for the fine work that has been done on this bill. It is an honor for me to serve on that committee with them and to have participated in the development of this legislation.

This legislation, the Better Education for Students and Teachers Act, contains many provisions that I support and many that I have advocated for some period of time. I am especially pleased with the new accountability requirements that are in title I of the bill and throughout.

The bill also maintains several of the most important programs that are targeted to specific problems that we see in my State of New Mexico and many other States.

For example, the bill makes a strong commitment to reducing the very high dropout rates that currently affect many in our schools. The bill includes a measure to ensure that all teachers are well equipped to use new technologies in their classrooms, to incorporate it into their teaching to expand opportunities for students in every school.

There are also provisions in the bill to encourage more advanced placement instructions to raise the level of academic performance in our high schools and middle schools leading into those advanced placement courses at the high school level.

Clearly, the centerpiece of the bill is this section related to accountability. For the first time, States and school districts and individual schools will be held accountable for improving the academic performance of all students.

I am pleased the President adopted many of these accountability measures. Senator LUGAR and I introduced a bipartisan bill earlier this year. Many of those provisions now are contained in S. 1.

Implementation of tough and mandatory accountability standards is now a bipartisan effort. I feel very good about

that. What we are implementing in this bill is a rigorous accountability system that demands results from all students, including those whom we have previously classified as disadvantaged students.

I want to take a minute to summarize the key components of this new performance-based accountability system.

The bill ensures that Federal funds will be directly tied to gains in student performance and, most importantly, it ties these funds to increased student achievement for all children. The accountability system incorporated in the bill goes a long way to ensuring that a primary goal of Federal funding is the elimination of the existing achievement gaps between disadvantaged and advantaged groups.

The components of the accountability system include:

First, raising standards for all students and providing an objective measure for that progress which can be effectively implemented through a grading system for States, school districts, and schools.

Second, focusing on the progress of disadvantaged students by setting separate goals for their achievement so schools must either show gains for those groups or be labeled as failing to make adequate progress as intended under the grading system.

Third, identifying schools that are failing to meet their goals in a timely manner so they can receive the additional resources and support to help those schools turn around; also, there are strict consequences if that failure turns out to be chronic.

Fourth, working to ensure that every class has a qualified teacher and that low-income and minority students are not taught by unqualified teachers at higher rates than other students.

Fifth, providing an expanded role for parents by expanding public school choice, establishing school report cards to inform parents about the quality of their schools, including the right to know their teacher's qualifications.

I do believe these strong accountability provisions in the bill are the right thing to do. They will improve academic achievement of all students, and I thank the chairman of the committee, Senator JEFFORDS, and the ranking member, Senator KENNEDY, and the administration for joining in promoting these tough new standards.

I also thank and acknowledge Senator LIEBERMAN and Senator Bayh for the important role they played in supporting these strong accountability standards.

I am also glad the committee included three other important measures in the bill as it was reported. The first is the dropout prevention program I mentioned earlier. The second will help train teachers in the use of technology in the classroom. I also mentioned that. And the third expands the opportunities for students to take advanced placement courses while in high school. That I also mentioned.

All three of these measures have broad bipartisan support. All were adopted unanimously in the committee. The dropout program makes lowering the school dropout rate a national priority.

Parenthetically, lowering the school dropout rate was one of the original goals former President Bush and the 50 Governors agreed upon in Charlottesville in 1989. Including it in this legislation is extremely important.

It is well known that the failure to acquire a high school diploma is one of the greatest barriers to future employment, earnings, and advancement. High school completion rates remain distressingly low in many communities across this country and, unfortunately, in many communities in my State of New Mexico.

The problem is disproportionately greatest among the minority and low-income students. Over 3,000 students drop out of school each day. Hispanic youth are nearly three times more likely to drop out of school as their Anglo classmates.

It does not need to be this way. There is now strong evidence that efforts that are focused on students most likely to drop out, especially at the ninth grade level, can dramatically improve the odds that those students will finish high school.

For example, in my State of New Mexico, Cibola High School in Albuquerque is using just such a focused effort and a small Federal grant to reduce its dropout rate from 9 percent to less than 2 percent in just 4 years. Last year, 86 percent of their ninth grade students earned all of their credits and moved on to the 10th grade.

The purpose of these dropout provisions in the bill is to try to duplicate Cibola High School's success at schools across the Nation.

There are three parts to the dropout program that are included in the bill. First is the creation of a national clearinghouse to get out information on research, best practices, and available resources to help schools implement effective dropout prevention programs.

Second, the bill establishes a national recognition program to spotlight schools that do successfully reduce the dropout rate.

Third, the bill authorizes a grant program to help schools implement proven approaches to reduce dropouts and put in place prevention programs.

I do believe that dropout prevention needs to be a national priority. The need for this program is underscored by the President's increased emphasis on annual testing which is sure to raise concerns that dropout rates will increase as States try to meet their academic performance goals. This is a real danger, that students who are not doing well in the tests will be the ones most likely to drop out. With all the emphasis on test scores, States will not have any incentive to focus resources on keeping these kids in school. That is

why the dropout prevention provisions in the bill are so important.

In addition, I believe it is critical that States be required to set goals to reduce those dropout rates and report their dropout rates along with their annual test scores.

Senator HARRY REID of Nevada has been a long-time champion on this issue and has cosponsored this dropout bill provision with me. I thank him for all his good work.

The bill also includes provisions from a bipartisan Technology for Teachers Act, that I introduced along with Senators COCHRAN, ROCKEFELLER, and ROBERTS. Technology does promise to transform education. Unfortunately, too many of our schools do not take full advantage of this opportunity simply because the teachers have not been properly trained to use the technology.

I am pleased this bill includes our measure to continue the successful "Preparing Tomorrow's Teachers to Use Technology" program. The program provides grants to consortia of schools of education and State and local education agencies to develop teacher preparation programs to ensure that new teachers have the tools they need to take full advantage of new teaching technologies in their classrooms.

Another important new measure included in the bill is the Advanced Placement Program. This bipartisan program is cosponsored by Senators Hutchison and Collins. Advanced placement programs provide high school students with challenging academic content. They raise the bar for academic standards. They allow students to earn valuable college credits. I believe it is very important that the Federal Government support efforts to expand this program.

We have a superb example of what can be done in advanced placement instruction in Hobbs High School in my home State. It increased the participation rates in advanced placement instruction by 550 percent in just 3 years in that school district. A statewide program in New Mexico that helps low-income children pay for the cost of the tests has helped boost participation by 74 percent for Hispanic students, 300 percent for African Americans, and a remarkable 950 percent for Native American students. This is an important provision and one I feel very good about seeing in this bill.

I also believe S. 1 is a good bill and reflects a strong bipartisan basis for fundamental reform of Federal education programs. I hope we can maintain this spirit of bipartisanship that has been able to prevail. I am a cosponsor of Senator MURRAY's class size amendment. I strongly urge the Senate to vote to include that in the bill.

I will also be offering two amendments to deal with an issue I believe the States are not in a position to properly address. The first addresses the issue of school security and basic student and teacher safety. Senator

TIM HUTCHINSON is a cosponsor. The other amendment is to expand a successful pilot program to create small learning communities within larger schools, the so-called schools within schools. Both of these have passed the Senate before. I am hopeful the Senate will agree to include them in this BEST bill.

I would like to conclude with one final point. I do think it is important for all Senators to remember this is an authorization bill. I expect it will pass with bipartisan support. But the real proof of the will and determination of this Congress to improve education will come in the appropriations process.

On the one hand, President Bush has imposed a variety of new requirements on the States including annual testing, but on the other hand the administration's budget, at least so far, does not provide significant increases for education. I support many of the proposed reforms, but so far I have failed to see the commitment of resources needed to make those reforms possible. I, for one, intend to be speaking out. We need appropriate funding levels for education this year and for each of the years covered by this 7-year authorization bill.

I do believe that much of what we are proposing in this bill will not be successful unless we are willing to make the full investment of Federal funding required. What is called for now is an investment in our children's future, an investment I believe our children deserve.

I thank the chairman of the committee, Senator JEFFORDS, and Senator KENNEDY, and their staffs for their fine work. I look forward to continuing to work with them and the other members of the committee as this bill moves from the Senate floor and into conference. I hope we will soon see this important legislation signed into law and appropriately funded.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to support Senator MURRAY's amendment.

I make an observation at the outset. I do think this amendment suffers in one sense. It suffers from the "not invented here" syndrome. That is, I have not heard anybody yet—I am hopeful to hear it—come forward and say why smaller classes are not better and why the United States of America and the Federal Government should not help in accommodating most States and counties and cities change individual classrooms to smaller sizes.

Maybe there is something of which I am unaware. I am anxious to hear it. I have been listening back in my office to this nondebate debate because everybody seems to be for it, based on what is going on, other than an oblique reference that is not good from one quarter. But other than that, I have not heard why smaller classes are not better.

I am amazed any Senator would come to the floor of the Senate to argue that reducing class size is not good for children. Occasionally we run across those things that are so obvious on their face there is no debate about it. I do not know anybody—educator, noneducator, able to read, not able to read, with a Ph.D., with just a high school education—I do not know anybody who would make the argument that if you are given the same teacher, competent or incompetent, that teacher is more likely to get more information in the heads of the children in his or her class if there are 2 students than if there are 5, if there are 5 instead of 15, if there are 15 instead of 45. It just is so self-evident.

Results from both standardized tests and from curriculum-based tests show students in smaller classes continually outperform those same students in larger classes. These results span urban and rural schools, among low-income and wealthy students. In fact, when class sizes were decreased for minority students, their achievement rates doubled—that is right, doubled.

There are certain things I do not know why we spend so much time debating, they are so self-evident, such as the idea that we would be better off in this country and more likely to raise the achievement level of all our children in direct proportion to how many children had to compete for the teacher's attention.

Children would lose a lot if everyone had Plato as a teacher because they would not learn to interact with other children; they wouldn't be involved in sports; they wouldn't learn social skills. But, my Lord, does anybody think they would not learn more information if they had one brilliant teacher and one brilliant student, no matter how slow and how fast?

Everybody knows this. The question is whether or not we are willing to put our money, as a priority, on what we say is the single most important task facing this country—education of our children.

I ask anybody within listening distance of this microphone, on television or on radio, to ask themselves the following question—by the way, I teach. I taught as a student teacher when I was in law school to make money to get through law school. I now am a professor at Wyden University Law School, teaching an advanced course in constitutional law for two or three credits, depending on the semester, for the last eight or so semesters.

You don't have to know rocket science to figure this out. They tell me there are about 190 young people who try to sign up for my class every year. Because it is a seminar, it is limited to no more than 16 or 17 students, although I might note parenthetically that the school started putting 25 and 28 in my class. I finally went to the dean and said: I think it is too large. He said: Well, I guess you are right. And they decided to put fewer students

in the class. They changed the schedule to a Saturday morning, and it became inconvenient at the last minute. So for the last two semesters I have only had five to eight students. I promise you, as bad of a teacher as I am, when I had 5 students in my class, they learned a lot more than when I had 15, even in a targeted seminar.

My wife has been a schoolteacher for the last 22 years. She can tell you, as any teacher in a public or a private school—she taught in the public school; now she teaches at a junior college—that everything changes when you have fewer students—everything. Discipline problems change when you have 5 students as opposed to 10; or 15 as opposed to 45. Everything changes. The student who is self-conscious, or the student such as I when I was a kid who stutters, is much more likely to raise his or her hand with a small class than with a big class. The kid who raises the devil or is shy is likely to engage more in a small class than a big class.

I don't get this. I don't understand why this is even a debate. I really truly don't.

Some of my conservative friends believe in the devolution of power, which is the new, as they say, paradigm for Government. It is a fancy word of saying the Federal Government has no responsibility.

If you conclude that the Federal Government has no responsibility to deal in any way, directly or indirectly, with elementary and secondary education of our students in the States and localities, then I accept your "no" vote as being based upon a rational principle. I disagree with your principle, but it is rational. It is rational to say the Federal Government should not be involved at all; ergo, I am against 100,000 teachers. I got that. I figured that out. There are some in this body, many at the Cato Institute, and many at the Heritage Foundation who believe that. I think many of the people, including President Bush, may believe that. I don't know. But I understand that.

However, I do not understand anyone making the argument that the distinguished Senator from Washington is wrong—if I am not mistaken, she used to actually teach—when she says that it is easier to communicate information, build confidence, and encourage involvement when you have a smaller class than when you have a larger class.

Why do you think we pay so much money to send our kids to private universities as opposed to public universities? I went to a public university. I am very proud of my university, the University of Delaware. My son went to a large law school. In our State, we don't have a large public law school. My son went to Yale. He had five, six, or seven in his class. The fact is, I didn't get into Yale. Thank God I have a smart son.

But all kidding aside, why do you think we pay all this extra money?

Many of these brilliant young people sitting behind us and the ones who advise us went to those schools. They went there because, in part, of the teacher-pupil ratio.

Why do you think when you send your kid to a university and you get that little book, which we all learn—there is a book that gives the ratings of all the colleges—why do you think, in addition to telling you the size of the library, the size of the student body, the endowment, and how many Nobel Laureates they have, part of the rating of whether they are a good or a bad school is based upon the teacher-student ratio?

I get confused here. Maybe I am a little slow. But if, in fact, it matters when you are a 22-year-old doctoral student to have a smaller class, tell me why it doesn't matter when you are a 7-year-old first grader? I don't get this. I think we need a little bit of truth in packaging here.

This is not my legislation. I am a follower. But I am ready to be a soldier. I hope someone will come to the Chamber and debate with us about why smaller class size is not a good idea.

Good. Maybe my friend is about to do that. I would love to have that debate.

Simply put, smaller classes can dramatically improve the quality of a child's education, whether they are slow, or fast, or whether or not they are the brightest candle on the table. All of them will benefit marginally more by a smaller class.

We began this initiative under the leadership of the Senator from the State of Washington 3 years ago in an attempt to reduce class size in grades 1-3 to no more than 18 students. I co-sponsored that amendment with Senator MURRAY in her effort to continue this program in subsequent years.

I would like to think that the 100,000 teacher initiative would be as successful as the 100,000 cops initiative that I authored in 1994. I don't think it is an accident that overall crime has gone down 7½ percent per year because we added 100,000 cops on the streets in addition to other initiatives. The Federal Government has no strings attached in terms of having any control over the cop any more than having any control over the teacher. The State, the district, and the locality control that teacher. But as we say, there are certain national priorities.

No child should be left behind. One of the ways to make sure no child is left behind is to do just what every parent does in the supermarket or department store: Don't let go of her hand. Don't let go of his hand. And if you have 45 students in the class, you can't hold all their hands, figuratively speaking.

So the degree to which you want to be assured that children are left behind, increase class size. The degree to which you want to diminish the possibility of any child being left behind, reduce class size.

Both the cops and teachers programs focus on putting resources where they

can be most effective. For cops, it was the street. For teachers, it is the classroom.

In the first year, more than 29,000 teachers were hired. Now about 1.7 million children are directly benefiting from smaller classes.

In my home State of Delaware, a small State, our schools rely on this program to fund 115 teachers statewide.

While that may not seem to be a lot to some of my colleagues, those additional teachers can, and do, have a great impact in a State as small as mine. I debated the Senator's legislation on, I believe it was, "Meet the Press" about a year ago with the distinguished and serious Governor of the State of Pennsylvania, who was making the case that President Bush did not like this program. He pointed out—and I will ask permission to amend this figure in the RECORD if I am wrong—my recollection is there were a couple thousand teachers in Pennsylvania or 1,800. It was a big number.

I turned to my friend on that show, the Governor of Pennsylvania, and said: Well, then, I assume the Governor of Pennsylvania would like to send back the money. You don't want the teachers? They don't make a difference?

So I suggest that any Senator who is opposed to this program should stand up and in good conscience say: By the way, we have 270 federally funded teachers. I would like to send all the money back. I am sending a petition to my Governor saying: Don't take the money. Fire those teachers. Send them home. Or tell us why it isn't working in your State to help alleviate the myriad of problems public educators face every day. This program is working.

Now, in my humble opinion, is not the time to give it up, either by failing to provide the necessary funds for continuation or by block-granting them with other education programs because, do you know what happens when you block-grant? The last people to benefit are the teachers. The last folks who get anything in the deal are teachers. This isn't for the teachers. This is for the students.

Again, I make an analogy to the police. Before we passed the Biden crime bill in 1994, in the 20 largest cities in America, there was a net increase of less than 1.5 percent in the total number of those who were on police forces because—guess what—they did not want to hire police, not because they did not think they needed them but because they did not want to sign on to the commitment of year in and year out having to pay them. They did not want to pick up the fringe benefits, the health care, and so on.

So when you block-grant it, I promise you, they are not going to put it in hiring more teachers. They are not going to go into your local school districts and say: By the way, we block-granted the money. And now we are going to give, for example, Abraham Lincoln School in such and such a

county, in such and such a State, money to hire three more teachers.

I hope I am wrong. But I will make a bet, if you block-grant it, a year after the block grant has been distributed, there will not be any more teachers than the day before it was distributed.

So, folks, it is a funny thing about education: you need a teacher. It is a strange notion.

I know of the incredible work Senator KENNEDY has done. And I say to my colleague from Vermont, and all the members of this committee—Republican and Democrat—they have done incredible work. But I cannot think of anything—anything at all—they have done that has the potential to have a more immediate impact on the amount of knowledge students in the United States of America attending public schools will acquire than reducing their class size. Maybe there is something out there—I do not purport to be an expert in education—but I am telling you, I can't think of anything in this bill more important.

So I urge my colleagues to stand with the Senator from the State of Washington, Mrs. MURRAY, and adopt her amendment and support the Class Size Reduction Initiative—unless they have another idea as to how they are going to guarantee us that the end result of our legislation will be smaller class size in the States and localities that voluntarily choose to participate in this program.

I thank my friend from the State of Washington for allowing me to participate and cosponsor this amendment. I compliment her and everyone else who supports this concept. I look forward to hearing opposing arguments on why smaller class size is not a good idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak in opposition to the Murray amendment. I want to build on the discussion that has gone on in this Chamber for several hours. I will focus on three particular points.

No. 1, very clearly, the goal of the underlying bill is to address the issue of how we can best, first, diminish the achievement gap—which has gotten worse over the last 30, 35 years, during which time the Elementary and Secondary Education Act has been in effect—and, No. 2, to boost the academic achievement of everyone, to make sure we are, indeed, preparing our young people today and those of tomorrow for their future: To realize that American dream, to make sure they can compete, not just adequately but in a powerful way, with their international counterparts.

I think the amendment of my colleague from Washington focuses, in a very important way, on a very important issue and that is the teacher-student relationship. For one of the first times in the debate in dealing with class size, we are focusing on the face of the child in the classroom and on the teacher at the head of that class.

We talk about programs a lot. We talk about money a lot. But this does take us down to the classroom, how we best accomplish the education of the child sitting in the classroom, with the teacher at the head of that class.

I will argue against the amendment, basically using the argument that another Federal program, another Federal approach is not the answer. It does not mean I believe class size is not important. That is not what I am saying. What I am saying is we need to find out how best to achieve what is needed in the classroom, to make the teacher and the students have a relationship that maximizes student achievement, learning, and to minimize and, hopefully, eliminate the achievement gap over time.

The second point I wish to address is this whole issue of looking at the teacher and the students in the classroom and figuring out what you can do to best take care of the needs of that class to boost student achievement.

In my mind, if you look at all the parameters, the most important is the quality of the teacher. We have an impending crisis in that area. In part it is because of demographics, and in part it is because of the attractiveness of the profession, and professional development. Much of that is addressed in the underlying bill—something we have not talked about very much.

The quality of that relationship—it does not mean quantity is not important—becomes first and foremost in importance, to my mind.

Thirdly, I believe the amendment by my colleague from Washington is unnecessary because if class size is an issue at the school level—whether it is in Nashville, TN, or Alamo, TN, or Kingsport, TN—it can be addressed as it is spelled out in the underlying bill itself.

I want to refer back to the bill because we have talked very little about how that issue is addressed. A lot of people have not read the details of the bill itself as it relates to the issue of that teacher-pupil relationship in the classroom itself.

In the bill we allow schools to address their current classroom needs, to give them the flexibility and the freedom, the mechanism, to accomplish what the goal is: boosting academic achievement. It means we do have to examine that relationship between a teacher and a student. There are all sorts of variables. And you will hear that one is more important than another.

A big issue is how many students are in the classroom with the teacher. It is not quite that simple because it depends on the subject. Is it mathematics? Is it science? Is it teaching a child to read? Is it in a classroom where there is technology and there is a lot of interaction going on between the teacher and the students that we might not have had in the past?

A second issue is, how safe is that teacher-pupil environment where the

teaching is occurring? The goal is to boost student achievement. It is an issue that is addressed in the underlying bill. But the point is, in the classroom there are all sorts of environments that have to be addressed. How conducive is that environment to learning? Are there disruptive students in that environment? How good is that teacher?

Earlier this week, and last week, we talked about failing to invest in the quality of our teachers. We are failing to give them the programs to make them more useful. Their intentions are good. They work hard. We have to look at their qualifications, their certification, and, lastly, what is the relationship of that teacher to technology today.

Again, in this bill, which people are just beginning to really focus on, there is a whole section to encourage the use of technology, to adapt technology to the use of that classroom, again, to reduce that achievement gap, to boost learning for everyone, and to maximize the use of the teacher at the head of the classroom and the children.

What is important in one school in one part of Nashville may be totally different than what is important in another school, say, in Memphis or in Anchorage, AK, or in Manhattan or on an Indian reservation. That decision should most appropriately be made by people in that community. Whether it is the teacher in the classroom, the parents looking in on that classroom, or the principal, they are the ones who can assess how technology is most appropriately used; what is the size of that classroom; how safe is that environment; how disruptive are the other students; all of which is placed into this bowl of how best to boost student achievement and maximize the teacher interaction with that particular student.

The point is class size is one of those parameters and, indeed, in certain situations it can be very important. But rather than have another Federal program—because we have tried that; we have had a litany of hundreds of Federal programs over the last 35 years—that basically says, this is the problem and this is the way to fix it, why don't we have a program which—and it is in the underlying bill—says: Let's group and consolidate programs, including class size, but allow the decision on how to use those resources to be made by the teachers, by the principal, by the school district, the community, under the influence of parents, under the influence of local decisionmaking and local input.

It comes down to a fundamental difference, what the debate has been over the last several years since I have been in the Senate, on which we have disagreed many times in the past: Whom do you trust? Whom do you trust to identify the needs, to respond to those needs? Is it another Federal program or is it the teachers and the principals and the school board members at the local level?

Our approach, very clearly—the reason why I urge defeat of the amendment—is that, yes, we need more resources; yes, we need more money; we need to shine the spotlight on the issue of local control, but we want to free people up from government regulations, from another program, to allow them the how-to in boosting the achievement with decisions made locally.

The second issue I will discuss is when you look at the classroom environment which we all want to maximize and make conducive to learning, the teacher is very important. We are having an impending crisis in the quality of teachers at the head of the class. The U.S. Department of Education estimates that a whole wave of teacher retirements as well as the demographics of rising enrollments will force America's public schools to recruit over 2 million new teachers in the next decade. It is a matter of demographics and retirement.

I argue that instead of thinking about warm bodies, as you see this teacher and the student in the classroom, we absolutely must invest—and the good news is, the underlying bill does—in improving that teacher quality. Teacher quality in the classroom drives academic success. It is the single factor most likely to boost student achievement. Good teachers clearly make the difference. We can all name our teachers. Both sides of the aisle have talked about teachers who have influenced their lives and the importance of that personal relationship in an environment which maximizes learning.

William Sanders, from Tennessee originally, has been quoted on the floor because he has looked at all sorts of issues and has been nationally recognized for studying the environment. Again, his conclusions and statistics and data have been used by both sides of this particular issue. He says:

When kids have ineffective teachers, they never recover.

Teacher shortages are going to hit a high in the year 2010. We absolutely must begin thinking right now about how to replace what equates to about two-thirds of our teaching population today that simply will not be teaching at that time. The factors are many. In large part it is demographic. We know that enrollments in public and elementary and secondary schools are projected to rise about 4 percent in the next decade. That, in and of itself, is going to require more teachers to fill the increasing number of classrooms. The average teacher today, 44 years old, means that school districts all across the Nation will have to brace for a whole wave of retirements occurring in the not too distant future.

Third, one-fourth of beginning teachers in my own State of Tennessee leave the profession within 5 years. More than half are teaching subjects in Tennessee outside their area of expertise or in subjects they were never trained to teach.

On the issue of teacher quality, the Thomas B. Fordham Foundation reported in a recent study:

College graduates with high test scores are less likely to become teachers; licensed teachers with high test scores are less likely to take jobs; employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return.

When you couple the critical importance of teachers with the fact that today America's students rank lower than their international counterparts in the fields of math and science and in reading, the issues we have talked about before, we clearly need to focus on quality teachers, on attraction of those teachers, supporting those teachers, and retention of those teachers. They are the key to motivating those students who may fall further and further behind—again, in part contributing to that increase in the achievement gap we all know so well.

It is important to understand that—and class size is one of them—the quality of the teacher is critically important to educating our children. I mentioned a few of the statistics, but if you just go through several about the qualifications of teachers today—again, remember, we have identified a problem; we are making this diagnosis; and we want to respond in an appropriate way—only one in five full-time public school teachers feel well qualified to teach in a modern classroom.

More than 25 percent of new teachers enter our Nation's schools poorly qualified to teach. Twelve percent of teachers enter without any prior classroom experience.

If we look at inner-city schools, statistics are even worse. Inner-city students have only a 50/50 chance of being taught by a qualified math or science teacher. New teachers in the United States receive less on-the-job training and mentoring than do their teacher counterparts in Japan and in Germany. I have referred to the fact that U.S. teachers today who are in that classroom actually teaching our children lack appropriate training and knowledge of a particular subject.

The data is as follows: Many students are taught by a teacher who lacks either a major or a minor in the subject they are teaching.

Of the following statistics, these are people who do not have a major or minor in the field in which they teach: That is, 18 percent of social study teachers, 40 percent of science teachers, 31 percent of English teachers, 34 percent of math teachers.

In schools where more than 40 percent of the students are low income, nearly half the teachers are what is called "out of field."

I go into some detail about this issue of quality because the focus is very much on what goes on in the classroom. Then the question is: You have identified the problem. Is it being addressed in the bill? This brings me to my last point. Is the Murray amendment necessary? To answer that, I will

argue, no, and I encourage my colleagues to vote against it. But it takes an understanding of what was done in the underlying bill and what is actually in the bill to understand why I can say with confidence that it is unnecessary as we focus on the teacher and the student in the classroom.

What we do in the first part of this bill is pool the funds and the authorities that are existing in programs which we have had in the past. We have talked about that in the last hour. The existing Eisenhower professional development funds and the class reduction funds, we haven't gotten rid of those. We haven't eliminated the class size reduction effort, but what we have done is put those together, consolidated them.

We pool those funds. And we do that with a very simple—this really comes down to the philosophical difference of what we think works and what will not work. We do that in order to give access to these resources to local communities to give them the flexibility to address their particular needs. In one school, it might be class size and they can use those funds for that. Remember, we have not done away with the funds themselves. We list that as one of the appropriate uses. But it might not be and it might be that school would rather use those funds for an after-school program or for increasing the use of technology or the inclusion of technology in that program.

The point is that we have taken the class size reduction funds and the other funds and we have put them together and basically said, how you accomplish boosting student achievement or reducing that achievement gap is up to you at the local level. Why? Because you know whether or not you need another teacher in the classroom, a smaller class size, or better use of technology.

Real quickly—and I will be brief—what is in the bill? State activities: States may use these funds for a whole range of activities—certification of teachers, recruitment of teachers, professional development, or support for teachers. Local activities: Again, local decisions can be made whether or not to use these funds for class size, professional development, recruitment, or for the hiring of additional teachers.

Local accountability is built into the underlying bill. The evaluation plan of a local education agency must include performance objectives related to student achievement, relationships to teachers, how well teachers are performing, participation in professional teaching and development activities.

Lastly, in the bill, there is a whole series of sections that look at activities that address leadership by teachers, advanced certification and credentialing, supporting that activity by teachers, and transitioning to teachers for those people who might be midcareer and might need training to be certified to teach.

In closing, if class size is a problem in the school, under the Kennedy-Jeff-

fords bill it will and can be addressed. There are resources there for that. Our approach is not another Federal program, not admitting a program. We have tried that in the past, and we have a litany of programs today that clearly have not been successful. We want those decisions to be made locally by teachers, by principals, by school boards, rather than Washington, DC. Since it is provided in the bill, I believe there is no need to create yet another program. I urge defeat of this amendment when we vote on it tomorrow.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that at 5:15 today, the Senate proceed to a vote on the Warner amendment No. 383, with no second-degree amendments in order to the amendment.

Mr. KENNEDY. Mr. President, reserving the right to object. I want to move this process along, however I haven't spoken on this amendment. If anybody else wants to speak, there might be a few minutes in the morning. Understanding that we might be able to split that between Senator MURRAY and myself, I will not object.

Mr. REID. Reserving the right to object, I also say that Senator KENNEDY has indicated that he has someone lined up to do another amendment tonight—Senator FEINSTEIN—if that is in keeping with what the majority wants. We can debate that for a while tonight. I don't know if the leadership wants a vote tonight or tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank my friend and colleague for making the agreement, and we will move ahead with the vote shortly.

We are very hopeful of getting the process moving. There are currently about 70 amendments. Some are in the process of being worked through because they are under the jurisdiction of other committees.

There are also many outstanding amendments which are related to this bill, that need to be called up. We are prepared, as we mentioned last Friday, to work toward the continuation of debate on these measures and final resolution. I know the Senator from Vermont said we are prepared to stay in this evening, tomorrow evening, and Thursday evening. We are going to have time to debate the Budget reconciliation that we will take up sometime this week. However, we are quite prepared to deal with these amendments. We urge colleagues to bring them up. I am absolutely amazed, quite frankly, that Members are not prepared to bring up their amendments. We have known this bill is going to be debated on the floor. We are prepared to deal with this legislation.

I intend to ask our leaders on our side to request consent to establish a deadline for submitting amendments. We welcome our colleagues to submit amendments, and we want to try to have a full opportunity for discussion

on these measures. It is about time we had good debate on this legislation. That is what I know my friend and colleague from Vermont is prepared to do. I am prepared to do that.

I make the plea to my colleagues on this side of the aisle to address these measures and do it in a timely manner. We understand the priority that the budget has, and we have all been around here long enough to know that unless some deadlines are established, unfortunately, we are not going to complete our business. I will work with our side and with the majority leader to try to establish a process where we can move in a timely manner. I will be glad to yield for a moment, but I would like to address this amendment.

Mr. JEFFORDS. I agree with the Senator 100 percent. I suggest that all amendments that are filed—only those filed by 5 p.m. tomorrow be considered to be voted on, or some appropriate language that would make that the law.

Mr. KENNEDY. That certainly is a proposal I could support. I will not offer that at this time, though.

Mr. BIDEN. Will the Senator yield for a unanimous consent request?

Mr. KENNEDY. I am glad to yield.

Mr. BIDEN. I ask unanimous consent that my amendment No. 386 be called up and then set aside, just so I make sure I am in this game.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment for this consideration?

Without objection, the pending amendment is set aside.

AMENDMENT NO. 386 TO AMENDMENT NO. 358

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 386.

The amendment reads as follows:

(Purpose: To provide resource officers in our schools)

On page 893, after line 14, add the following:

SEC. —. SCHOOL RESOURCE OFFICER PROJECTS.

(a) COPS PROGRAM.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting "school officials," after "enforcement officers"; and

(2) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;"

(b) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

“(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;” and

(3) by adding at the end the following:

“(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

“(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

“(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

“(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

“(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and 1709(4), to remain available until expended \$180,000,000 for each of fiscal year 2002 through 2007.”.

Mr. BIDEN. I ask unanimous consent that my amendment be set aside.

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

Mr. KENNEDY. The pending amendment is the Murray amendment; is that correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I want to add my strong support for the Murray Class Size amendment. I have listened with great interest and always have learned from my friend and colleague from the State of Washington when she proposes this amendment. It is a subject that is not new to the Senate. We have voted on this, and we have seen its implementation for a number of years and the success that it is having in schools across the country.

I am always impressed by the fact that the Senator from Washington, who was a member of a school board and a great teacher, understands this issue and is able to address this issue

from her personal experiences. We are so fortunate to have a Senator with that kind of experience proposing an amendment that can make an important difference in the education of children. I support this amendment, as I have in the past.

We have tried in the legislation to find various programs that enhance the educational capabilities of children. It is true, as the Senator from Tennessee said, that there can be a local option as to whether schools, under the title II provisions, want to use the funds for smaller class sizes or professional development. It is my strong position we need both and we need a commitment in both areas.

That is what this is about. We did enhance the resources for recruitment, enhanced training of teachers, continuing professional development, mentoring, and the development of additional professional skills dealing with the important areas of child growth and development and child psychology area. These are enormously important.

If there is anything we have learned over the years, it is the power of well-qualified teachers with a good curriculum teaching in a class with a small number of students.

I am not going to take the time of the Senate to go through the research base supporting reducing class size, but the studies are very clear. Both the Star studies that have been done in the State of Tennessee, and the Sage studies in the State of Wisconsin show that reducing class size has positive effects on student achievement and classroom behavior.

I have traveled to the State of Wisconsin. I visited the classrooms. I heard the teachers. I talked with the parents. There has been dramatic and significant progress made in moving toward smaller class sizes.

That has been true in the State of California as well. I will read from the California report on the results from the first 2 years of class-size reduction:

California class-size reduction reports show that reducing class size improves student achievement. A study of the first 3 years of class-size reduction efforts in California shows that smaller classes have boosted student achievement in communities across the State for the second year in a row.

It goes on:

The evaluation shows those students in the most disadvantaged schools were most likely to be in larger classes or taught by less qualified teachers. Students in smaller classes outperformed their peers in larger classes even with less qualified teachers. These students could be performing even better if all the children in these schools had fully qualified teachers and smaller classes.

That is what we want: smaller class size and better trained teachers. That is absolutely essential. The Murray amendment will authorize continued funding to create smaller classes, hire additional teachers and provide those teachers with the professional development that they need to help every child succeed. We will have the continued commitment to smaller class size.

With a strong bipartisan vote this morning, we will have the resources to make sure the neediest children in this country have well-qualified teachers in the classrooms, and those teachers will be able to give every student the individual attention that they deserve.

I am amazed at what the Senator from Washington was able to do with her amendment. It requires a simple one-page application. It will be available to any school district in the country. All they fill out is one page. Under the formula devised in the Senator's amendment, they will either qualify or not qualify. It does not take a lot of grant writing. The school districts will know very quickly the amount that they are entitled to and how many classes they are able to impact. That will help move the process forward.

There is flexibility in the Murray amendment. If a school district reaches the smaller class size goal, it states in the amendment that they can use the resources for professional training for teachers. It is enormously important.

Senator MURRAY has built in flexibility. If a school achieves a lower class size in grades one through three, and they have the additional resources, they can reduce class sizes in other grades. The flexibility is there. If they are able to do all of them and still have resources left, they can use them for teacher professional development.

I want to use my last moments to bring a few things to the attention of my colleagues. First, we have the recent story on the achievement gains by the students of the Prince Georges County Schools reported in this morning's Washington Post. I point out the lead story: “Pr. George's Test Scores Show Best Gains Ever.” It says:

Prince George's County students posted their highest gains ever on a key standardized test used to gauge how local children measure up to their peers nationally, according to the results released yesterday.

It gives the very encouraging results.

The superintendent was asked about the factors in ensuring these kinds of results. She said:

. . . as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings.

This is what they have been able to do.

Moving over to the jump page on A14, it talks about the importance of reading. That is in the BEST bill. We are in strong support of additional time for reading and math. We are all for that. It is in this bill.

The superintendent also commented on the importance of reducing class size in the lower grades and placing more emphasis on training teachers. This is exactly what we are debating today.

How many times do we have to see the same evidence before we learn this? We have the studies in Tennessee, Wisconsin, and California.

I have a report from the Mississippi Department of Education. I will mention what a few of the teachers have

found. I will also include other comments.

This is from Suzanne Wooley:

The drop in the student/teacher ratio within the first grade this year has been a really great tool in our ability to help our children. Because of fewer numbers of children, we have had practically no discipline problems. The children are more like a team and they expect the best from each other. This saves a great amount of our instructional time for actual instruction. My teacher's assistant and I are also better able to aid and instruct low-achieving students with their individual needs. We are giving much more time to the skills each student needs to work on. As a group, we are covering our "core-skill" material much more quickly and the children are "catching on" and learning the material more thoroughly.

Kelly Blacklaw:

This is the first year that I have taught first grade. However, I am accustomed to small groups, because I taught Title I Reading for three years. I taught kindergarten for one year prior to teaching Title I and had 30 students with an assistant. Comparing this year to that particular year, reduced class size has definitely been very beneficial for the progress of my students. I have been able to get to know my students better and much more quickly. I have been able to gain a great deal of insight into their backgrounds and their strengths and weaknesses.

Ms. Simpson:

Generally speaking, my class this year is quite low. Due to that fact, a smaller classroom size has been greatly appreciated. I am able to more effectively monitor the children's progress as I teach, and have found that more time is available to reinforce and practice important skills.

They mention there was only one child who fell behind in reading.

These go on and on. I do not know what more we have to do to convince our colleagues. We are not placing a mandate on any local district. All we are saying is we know this works and we hope communities will choose to embrace the idea of reducing class size.

Mrs. MURRAY. Mr. President, will the Senator from Massachusetts yield on that point for a question?

Mr. KENNEDY. Yes, I certainly will.

Mrs. MURRAY. Mr. President, I commend the Senator from Massachusetts and ask him again, because we have heard from the other side that this is some kind of Federal mandate for local class size would the Senator from Massachusetts not agree with me that this is a voluntary steady stream of money for schools that choose to use this money to reduce class size?

Mr. KENNEDY. The Senator is exactly correct. It is a voluntary program. It will be available, with the Senator's amendment, to local communities that have crowding in their classrooms, as it has been in my own State of Massachusetts in a number of different communities with the same very positive results we have seen in other places.

As the Senator remembers, we made a national commitment to hire 100,000 teachers. This is the amendment the Senator from Washington offered—100,000 teachers. We have, I believe, 37,000 of them, and some of them have already proven to be our best.

At the time this was announced, as the Senator remembers, we had former Speaker of the House Gingrich. "We said the local school board would make the decisions. No new Federal bureaucracy, no State, not a penny in the bill that was passed goes to pay for bureaucracy; all of it goes to pay for local school districts. . . ." House Speaker Gingrich, the first time we passed the Murray amendment, called it a victory for the American people: "There will be more teachers, and that is good for all Americans."

As I remember, and as I read the amendment, I believe 99 percent of the funds go to the local district and the local district has the control. Am I correct?

Mrs. MURRAY. I thank the Senator from Massachusetts for answering that question. He is absolutely correct; 99 percent of the money does go to the local schools at their discretion to use for class size because it is a national priority.

I thank the Senator for yielding.

Mr. KENNEDY. Mr. President, I want to point out very clearly, we need fewer children in classrooms so that teachers can give each child the attention necessary for that child to succeed. Teachers need the mentoring and the professional development that we have in the legislation. Smaller class size is a tried and tested program. It is effective. We ought to have smaller classes and more opportunities for teachers to get the training that they need. That is what this amendment is really about.

We should not forget the commitment that we made. We know what works. We know it has been effective. We believe that children are worth our investment. We believe the Murray amendment is the best way to get this job done.

I yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe we are going to vote on the Warner amendment at 5:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Debate appears to be resolving around the amendment of the Senator from Washington, and I did want to speak to that. Then I guess we ought to vote.

The amendment of the Senator from Washington is an outgrowth of a proposal that was put forward by President Clinton and was carried by the Senator from Washington for the last couple of years. However it fails, in my opinion, for a variety of reasons.

The first reason it fails is the basic philosophy behind the amendment which is we in Washington know better—better than you, the American citizens who run their school districts; you, the parents across America; you, the principals across America; you, the school boards across America—how to run your schools. This is a command and control amendment. This is an

amendment which says we are going to put a certain pot of money on the table—your tax dollars, by the way, tax dollars we took from you in Auburn, NH, or Cheyenne, WY, or Chicago, IL. The tax dollars that we took from you, we are going to take some of them and put them on the table. But before you can get any of those tax dollars, you have to do exactly what we tell you to do with them.

Specifically, in this instance, you are going to have to hire more teachers. Even if you do not need more teachers, you are going to have to hire more teachers because we in Washington know a great deal more about what you need in your school system than you do. That is the basic premise of this amendment. It is one of the primary reasons I oppose it.

The second problem with this amendment is there is no statistical standard which shows that certain class size ratios improve education. In fact, study after study, significant studies—in fact, 300 studies—which have been reviewed conclude that it is the quality of the teacher that is key to the quality of education more than the class size. That is especially true after you hit a certain level of class size.

In the United States today, the average class size ratio is 17 to 1. I think 44 States already meet the level of ratio that was put forward by the President as an appropriate level, which was 18 to 1. So we are not talking about dramatic reductions in class size in States across the country. What we are talking about is essentially trying to work at the fringe with some Federal money to demand that more teachers be hired.

But the practical effect of that may be to reduce the quality of education. Why? Because you may end up with poorer teachers being hired because you forced on the school system the requirement that they hire more teachers rather than that they improve the quality and the ability of the teachers who are in the classroom, which almost every study has concluded is the key to good education.

In fact, I hold California up as a pretty good example of how this works. They set in place—their right, they have the right to do it—a class size ratio proposal. As a result, they went out from 1995 and hired a whole bunch of new teachers. What happened? The number of certified, qualified teachers went up—this is in the K-3 area—from 1,100 to 12,000 unqualified or teachers who were of questionable quality. They were not certified. They had not learned how to teach a third grader or second grader or first grader or one in kindergarten. So it is very possible that by reducing the class size, California actually ended up putting 11,000 more teachers into the classroom who didn't know how to teach.

A couple of other important studies proved beyond any question that if a student is exposed to a teacher who doesn't know what they are doing in a subject, the recovery time for that student is extraordinary. Under a Rand

study, they concluded a student may never recover from a poor teacher—which gets back to the initial point: We do not know whether teachers are good or not.

I do not know here, standing on the floor, whether the teacher in Epping, NH, is good or poor, whether the teacher going to be hired is a good teacher or poor teacher. I don't know it in Cheyenne; I don't know it in Chicago. What I do know is the principal in that school probably does know who the good teachers are, probably does know teachers who have weaknesses and need assistance, probably does know whether in one class they need more teachers but in the other class they just need to improve the teacher they have. Or maybe in another class they have such a great teacher who is being pushed out of the school system because they cannot afford to pay the costs because the teacher cannot afford to live on the salary they are being paid and they need to pay that teacher more.

I do not know the answer to those questions, but I will tell you who does: The local principals, the school boards, the teachers in the class know that, and the parents whose kids are in the classroom.

What does this proposal say? It says it doesn't matter; you have to hire a new teacher. That is your option. If you want this money, you have to hire a new teacher.

I think that was misguided. I think it was misguided when President Clinton brought it forward earlier, and as a result we have debated this matter on the floor a number of times. What did we do to try to correct this? Because we do recognize, on our side of the aisle, putting more teachers in the classroom may be the proper resolution to a specific incident; that may be what some school systems need. We also recognize on this side of the aisle maybe the proper resolution is giving that teacher more tools to work with, maybe giving that teacher more educational support, maybe giving that teacher some extra pay so they can keep teaching or some of the other things they may need.

So we put in the bill something called the Teacher Empowerment Act. What the Teacher Empowerment Act does is to say let's merge these teaching funds; let's take this Eisenhower grant; let's take the class size grant, put it into a pot of money, and then give the States and local school districts the opportunity to use that money in four different areas. They can hire more teachers for their classroom if that is what they think they need. They can, if they need to, say to a teacher who may be leaving for the private sector: You are too good. We cannot afford to lose you. We will pay you some more money. They can, if they have a teacher in a classroom who maybe isn't quite up to speed on the academic issue they are teaching, say we are going to get some outside as-

sistance; we are going to help you get your credentials up to speed; we are going to give you some money to help you get some more education. Or they can give the teacher some technical support in order to assist that teacher.

They can make those decisions. We do not make them on the floor of the Senate. We do not tell the people who are running the local school boards: You must do this; you must do that. We do not tell that to the principals, the teachers, or the students that, or the parents of the students. We would rather say: Under the Teacher Empowerment Act, here are four uses for this pot of money. You make the decision.

Isn't that much more logical?

We are not saying that the idea of reducing the ratio in a classroom is bad. In fact, we are saying it is a good idea in many instances. In fact, we are saying it is one heck of a good idea if you have a good teacher. We are, however, saying that in those classrooms where the principal knows maybe he doesn't have the right teacher or she doesn't have the right teacher coming in, or maybe that teacher does not know enough about the subject of teaching, that they ought to have other tools available to them to make those teachers more effective.

Interestingly enough, the studies have shown that by making teachers more effective in the classroom you can teach a lot more kids a lot better at a lot less cost than by going out and hiring unqualified teachers or teachers who maybe aren't cutting it. It costs about \$450 per student to bring a classroom into compliance with some of these proposals that are being proposed today, but if you were to do it through technology, it costs, I think, \$90 per student. I think that was, again, a Rand study.

We are saying on this side of the aisle, let's give the local school board the flexibility to adjust the classroom size. If they want to go to a ratio of 10 to 1, they can use the money to hire more teachers to do it. If they want a ratio, however, of 17 or 18 to 1, which is the average ratio today, if they want that teacher to learn more to be able to teach better, they should have that option. And that option is going to be made available under the TEA amendment, which is known as title II of this act.

I think it also ought to be noted that the resources are committed in this area. The President has made a major commitment in the area of resources to teacher improvement and to class size. He has funded in his budget to the tune of \$2.6 billion the money necessary to do teacher improvement and class size.

I see the Senator from Virginia, whose amendment is coming up which I am not speaking to. I suspect he wants to say something about his amendment before it gets voted on. I yield to the Senator from Virginia so he can tell us what his amendment is about before we vote.

Mr. WARNER. Mr. President, I see my colleague seeking recognition. I am in no hurry.

Mrs. MURRAY. Mr. President, I know the Senator from Virginia wants to speak on his amendment. If I could have 1 minute by unanimous consent to speak.

Mr. WARNER. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Thank you, Mr. President. I thank my colleague from New Hampshire who has spoken eloquently and passionately.

I remind our colleagues that the class reduction bill is not a mandate from the Federal Government. It is a Federal partnership from the Federal Government to our classroom and to our schools that want to reduce class size in the first, second, and third grades.

I also let our colleagues know that the California experiment which the Senator from New Hampshire spoke of had teachers who were hired that were unqualified. I agree that we don't want that to happen. That is exactly why in our amendment we require fully qualified teachers to be hired if these Federal funds are used.

I point out that a study has shown even in the California class size reduction reform they didn't require fully qualified teachers. Test scores are up and student achievement is improving. Test results have been released in the last week that show student scores are up in those classes because they reduced class size. Reducing class size does make a difference.

We target a number of areas in this bill from reading first to technology, to training math and science teachers. We should also target money for class size reduction.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if I might quickly conclude, as the Senator from Virginia is not quite ready, the President's \$2.6 billion for teacher improvement and class size reduction will be available at the option of the local community under the TEA legislation, which is a very significant increase over last year's funding level.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the vote be set aside for 2 minutes to allow the Senator from Virginia to explain his amendment.

Mr. WARNER. Mr. President, reserving the right to object, could we make that 5 minutes so he and I can share the time?

Mr. JEFFORDS. Certainly. I ask unanimous consent for 5 minutes.

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

AMENDMENT NO. 383 TO AMENDMENT NO. 358, AS MODIFIED

Mr. WARNER. Mr. President, I found a technical deficiency in the manner in

which the amendment is drawn. It is a very simple one. It does not change in any way the thrust of the amendment. I would like to send to the desk at this time a technical change to my amendment and ask that it be accepted.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REID. Reserving the right to object, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The amendment is so modified.

The amendment (No. 383), as modified, is as follows:

(Purpose: To provide a sense of the Senate regarding tax relief for elementary and secondary level educators)

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.**

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately \$40,582.

(2) The average starting salary for teachers in the United States is \$26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average \$408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

Mr. WARNER. Mr. President, first, I wish to say that the thoughts I embrace in my amendment have been advanced in this Chamber by other colleagues over a number years. I particularly wish to recognize the Senator from Maine, Ms. COLLINS, and Senator KYL, who have made similar efforts through the years. Therefore, I am very proud to have my name on this amendment. I assure you that there are many Senators, and, indeed, some on the other side, who have embraced this general concept that teachers need equal recognition to the emphasis that has been put thus far on the debate on students.

My effort on this day, which is National Teachers Day—I think we have slowly worked through the system a resolution to that effect—is to recognize that many, many teachers across our Nation reach into their pockets and withdraw aftertax dollars and expend them for little things they observe in their daily teaching of students that are needed in the classroom. These teachers also have to constantly bring themselves up to speed on current events in education. Many of them have very burdensome financial commitments with student loans, and so forth.

I think it is time the Congress recognize this profession. For so many years nursing and teaching were the two professions that were open to many, and now, fortunately, all the professions have been opened, and I hope equal opportunity is being given women in so many professions. There are now opportunities to leave teaching and seek higher pay in these particular positions.

This is an amendment which simply says it is the sense of this institution that in the course of our deliberation on the various tax proposals that have come from the House and which are now beginning in the Senate Finance Committee—of which my distinguished colleague, the chairman is a member—that it would at some point take into consideration this type of legislation.

I have requested \$1,000, which is a pretty substantial sum. My hope is that we can get the maximum. But I thought we would try at that particular level.

I have discussed this with my colleague, the distinguished manager. I know he has a few views. I would be happy to yield for his questions and make it technically feasible for him to take the floor.

Mr. JEFFORDS. Mr. President, I come from a teaching family. My mother and sister are teachers. I know of the effort they put into teaching and buying supplies to make things go a little bit better. It is very common and accepted in the sense that it is sort of part of the job. But it shouldn't be.

We are at a time when our teachers' salaries are so much lower than they ought to be. I think it is wrong to expect teachers to continuously take money out of their pockets in doing

their job, when it should be taken care of through the school system. I think they would appreciate and are entitled to have a tax credit of \$1,000 to take care of those expenditures. I will pursue that in the Finance Committee for my good friend.

Mr. WARNER. Mr. President, I presume the Senator supports Senators voting for this measure?

Mr. JEFFORDS. Yes. I think it is one of the best amendments we will have.

Mr. WARNER. Mr. President, with that, I yield the floor.

Mr. President, the yeas and nays have been ordered, am I not correct?

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. WARNER. I thank the Chair.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator WARNER, in introducing this proposal. Senator WARNER deserves credit for focusing our attention on the selfless efforts of teachers, and on the financial sacrifices they make, to improve their instructional skills and the classrooms where they teach. As President Bush has put it, "Teachers sometimes lead with their hearts and pay with their wallets."

Our amendment expresses the sense of the Senate that Congress should pass legislation providing teachers with tax relief in recognition of the many out-of-pocket, unreimbursed expenses they incur to improve the education of our children. Our amendment is targeted to support the expenditures of teachers who strive for excellence beyond the constraints of what their schools provide. Yet our amendment is broad enough to embrace a number of different approaches to supporting our teachers through the tax code.

Earlier this year, I introduced the Teacher Support Act of 2001, which is supported by good friends, Senators KYL, LANDRIEU, and COCHRAN.

Our bill has two major provisions. First, it would allow teachers and teacher's aides to take an above-the-line deduction for their professional development expenses. Second, the bill would grant educators a tax credit of up to \$100 for books, supplies, and equipment that they purchase for their students.

According to a study by the National Education Association, the average public school teacher spends more than \$400 annually on classroom materials. This sacrifice is typical of the dedication of so many teachers to their students.

So often, teachers in Maine and throughout the country spend their own money to better the classroom experiences of their students. I recently met with Idella Harter, president of the Maine Education Association, who told me of the books, rewards for student behavior, and other materials that she routinely purchased for her classroom. One year, Idella saved all of her receipts from purchases of classroom materials. She started adding up all the

receipts and was startled to discover that they totaled over \$1,000! She said that she decided she better stop counting at that point.

And Idella is not alone, Maureen Marshall, who handles education issues in my office, taught public school for several years in Hawaii and Virginia. In her first year as a teacher, she spent well over \$1,000 of her own money on educational software, books, pocket charts to assist with language arts instruction, and other materials. And yet, because of her tax situation, she could not deduct these expenses from her taxable income.

The ultimate beneficiaries of efforts to provide financial assistance to our teachers are our students. Other than involved parents, a well-qualified teacher is the most important prerequisite for student success. Educational researchers have demonstrated the close relationship between qualified educators and successful students. Moreover, educators themselves understand how important professional development is to maintaining and extending their levels of competence. When I meet with teachers from Maine, they repeatedly tell me of their need for more professional development and the scarcity of financial support for this worthy pursuit.

I greatly admire the many educators who have voluntarily financed additional education to improve their skills and to serve their students better and who purchase books, supplies, equipment and other materials that enhance their teaching. By enacting modest changes to our tax code, we can encourage educators to continue to take formal course work in the subject matter that they teach and to attend conferences to give them new ideas for presenting course work in a challenging manner.

I hope that, by adopting this amendment, which is particularly fitting on National Teacher Day, we will pave the way for passage of meaningful tax relief for teachers later this year. I think we should make it a priority to reimburse educators for a small part of what they invest in our children's future.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 383, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—95

Akaka	Bingaman	Byrd
Allard	Bond	Campbell
Allen	Boxer	Cantwell
Baucus	Breaux	Carnahan
Bayh	Brownback	Carper
Bennett	Bunning	Chafee
Biden	Burns	Cleland

Clinton	Hatch	Nelson (FL)
Cochran	Helms	Nelson (NE)
Collins	Hollings	Reed
Conrad	Hutchinson	Reid
Corzine	Hutchison	Roberts
Craig	Inhofe	Rockefeller
Crapo	Inouye	Santorum
Daschle	Jeffords	Sarbanes
Dayton	Johnson	Schumer
DeWine	Kennedy	Sessions
Dodd	Kerry	Shelby
Domenici	Kyl	Smith (NH)
Dorgan	Landrieu	Smith (OR)
Durbin	Leahy	Snowe
Edwards	Levin	Specter
Ensign	Lieberman	Stabenow
Feingold	Lincoln	Stevens
Feinstein	Lott	Thomas
Fitzgerald	Lugar	Thompson
Frist	McCain	Thurmond
Graham	McConnell	Torricelli
Gramm	Mikulski	Voinovich
Grassley	Miller	Warner
Hagel	Murkowski	Wyden
Harkin	Murray	

NAYS—3

Enzi Gregg Nickles

NOT VOTING—2

Kohl Wellstone

The amendment (No. 383), as modified, was agreed to.

Mr. REID. 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 that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, we are still working on both sides of the aisle to get agreements on how we will proceed with votes later on tonight and tomorrow. We have some items we can lock in. I ask unanimous consent when the Senate resumes the education bill at 9:30 Wednesday, the Senate proceed to a vote in relation to the Mikulski amendment regarding technology centers with 5 minutes equally divided prior to closing remarks.

I ask consent all first-degree amendments in order to S. 1 be filed at the desk by 5 p.m. on Wednesday and any second-degree amendments be limited to the subject matter contained in the first-degree amendment.

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

Mr. LOTT. In light of this, there are no further votes this evening. The next vote occurs at 9:35 on Wednesday. However, I understand Senators are ready to go with amendments or second-degree amendments. We will continue to work on that as long as we can get Senators to offer their amendments.

Mr. DASCHLE. Will the Senator yield?

Mr. LOTT. I yield.

Mr. DASCHLE. I think it would be helpful to reiterate what we think the sequence would be. Is Senator VOINOVICH going next?

Mr. LOTT. Followed by Senator FEINSTEIN tonight.

Mr. DASCHLE. I know Senator CARNAHAN has an amendment she would like to offer and is prepared to

lay aside at the moment, and then Senator MIKULSKI is recognized, with that vote to occur on the Mikulski amendment tomorrow.

Mr. LOTT. That is correct. Senator SPECTER has a second-degree amendment to the underlying Murray amendment.

Mr. DASCHLE. The sequence, then, is Voinovich, Feinstein, Specter, Carnahan, and Mikulski?

Mr. LOTT. We were not making a unanimous consent request; we are just trying to get clarification of the next four actions.

Is there a problem, though, with proceeding that way?

Mr. SPECTER. Mr. President, I have already discussed with my colleagues, Senator VOINOVICH, Senator CARNAHAN, and Senator FEINSTEIN, that I might have 30 seconds to lay down a second-degree amendment.

Mr. LOTT. We will proceed with the other amendments once that happens. I yield the floor.

AMENDMENT NO. 388 TO AMENDMENT NO. 378

Mr. SPECTER. Mr. President, I send to the desk a second-degree amendment to the underlying amendment by Senator MURRAY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 388 to amendment No. 378.

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

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

The amendment is as follows:

(Purpose: To provide for class size reduction)

In lieu of the matter proposed to be inserted, insert the following:

“SEC. \_\_\_\_ CLASS SIZE REDUCTION.

“(a) ALLOTMENT.—Notwithstanding any other provision of this law, from \$1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

“(1) shall make available a total of \$6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

“(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

“(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

“(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families 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 Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data

are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

“(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

“(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

“(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

“(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

“(c) USES.—

“(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

“(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

“(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

“(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

“(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

“(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program

that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

“(1) to make further class size reductions in kindergarten through grade 3;

“(2) to reduce class size in other grades;

“(3) to carry out activities to improve teacher quality, including professional development; and

“(4) to carry out other activities authorized under title V.

“(e) REPORTS.—

“(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

“(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

“(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

“(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

“(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

“(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

“(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 389 TO AMENDMENT NO. 358

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. BAYH, and Mr. NELSON of Ne-

braska, proposes an amendment numbered 389.

Mr. VOINOVICH. 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 modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved)

On page 7, line 21, add “and the Governor” after “agency”.

On page 8, line 1, insert “and the Governor” after “agency”.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

“(c) STATE PLAN.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.”

On page 35, line 20, insert “, that is jointly prepared and signed by the Governor and the chief State school official,” after “a plan”.

On page 706, line 8, insert “Governor and the” after “which a”.

On page 706, line 16, insert “Governor and the” after “A”.

On page 707, line 2, insert “Governor and the” after “A”.

Mr. VOINOVICH. Mr. President, the amendment that I have offered will improve the coordination, accountability and delivery of educational services in states all across America. I am pleased to be joined by Senator BAYH and Senator BEN NELSON in introducing this amendment.

Mr. President, as many of my colleagues know, Senator BAYH, Senator NELSON and I served as Governors of our respective states; they served in Indiana and Nebraska respectively, and I served as Governor of Ohio for 8 years. As my state's chief executive, I learned that few individuals have more of an impact on education policy in their state than the Governor.

Yet, under federal law, governors—the men and women who are their state's CEOs—are not able to fully participate in their state's education planning process.

Mr. President, most federal education assistance to our states currently flows directly to state education departments, where a large percentage of that funding is then passed on to local schools.

State plans submitted by state education departments to the U.S. Department of Education set the parameters that local school officials must subsequently follow in developing and implementing their own spending plans. However, there is no requirement that governors be involved in this process, nor is there any requirement for coordination between Chief State School Officers and Governors on the use or disposition of federal education dollars.

In some states, the Chief State School Officers are appointed by Governors and are, therefore, accountable

to them, while in other states, Chief State School Officers are elected directly by the people. If these individuals share the same political leanings, there is usually little conflict on education policy. However, where governors and chief state school officers do not see eye-to-eye, potential conflict can arise that could threaten the educational needs of our children.

Regardless of how a state's top education official achieves his or her position, in each and every state, it is the governor the public holds accountable for the overall condition and success of public schools. As it is currently written, the Senate's ESEA reauthorization bill also holds governors accountable for student progress, even where governors have no current discretion over Federal education programs and Federal education funding.

This accountability issue is magnified under the legislation we are considering. Under Title VI of this bill, States may lose between 30 and 75 percent of their administrative funds for formula programs if States fail to meet specified performance requirements.

If a State budgets those administrative funds and they are lost as a result of this bill, then the entire State budget could be impacted. Ohio, for example, received \$3.1 million in Title I administrative funds last year. If Ohio were to lose 75 percent of these funds, that would mean about \$2.33 million would have to come from somewhere else in the state budget.

Governors do play a leadership role in the development of State education policy, including standards and assessments, and the allocation of State budget resources for public education. Governors are willing to be held accountable for Federal programs as well, but it is imperative that the Federal Government give them the authority to help determine reform through Federal education programs.

It doesn't make sense, that a Governor, who has to manage the State's budget and is accountable for any shortfall, is not required to be consulted when State educational officers set education priorities.

Our amendment hopes to change that.

What our amendment is designed to do, is very simple: it encourages consolidation and coordination between Governors and chief State school officers in designing State education reform plans.

Under our amendment, State education plans submitted to the U.S. Secretary of Education for Federal programs, as well as funding for the school improvement program, must be jointly signed by both the Governor and the chief State school officer—both of them.

The timing of this amendment is critical, since once Congress passes ESEA reauthorization this year, each State will finalize their educational plans and priorities. State legislatures will consider funding and resource

issues, chief State schools officers will consult local districts, and Governors will set out plans for educational priorities throughout the State.

Speaking from personal experience, having the Governor and the chief State school officer working together is absolutely critical. Having these two individuals working independently on education policy does not maximize our ability to achieve the educational goals the President has set out and that this Congress has set out. I believe we need to require both signatures.

Our amendment will also help leverage State resources. As my colleagues know, the Federal contribution to education amounts to only 7 percent, with the State and locals funding the remaining 93 percent of education spending in the State.

Requiring joint sign off on education plans by the Governor and the chief State school officer enables the Governor to leverage and ensure coordination of the much larger pot of state education funding to work with the Federal dollars. The only way to fully leverage Federal funds is to ensure the coordination of these funds with State efforts.

Governors are the national leaders in education reform. I remember as Governor of Ohio, we pushed for EdFlex authority from this body so that we could have the flexibility to combine programs and target funds where they were needed. Governors like Bill Clinton in Arkansas, Richard Reilly in South Carolina and Lamar Alexander in Tennessee became well known nationally on education, not because of what they did in Washington, but because as Governors they innovated to improve education in their States. Our current President, George W. Bush, ran for President partly to share with the rest of America, the successful education plan he had implemented in Texas.

What ultimately matters—and what should drive our decisions on education policy—is whether or not our students learn. That is really what we are talking about in this debate. We must coordinate policies so that there is a consensus on education in the state for the benefit of our students. Education is too important to have our different stakeholders working separately. Our Governors and chief State school officers must be working together.

Our amendment will foster greater cooperation between all State officials responsible under State law for the performance of public schools. It will also help to ensure that state plans submitted for approval by the Department of Education align with the implementation of State accountability legislation. It is of vital importance that chief State school officers and Governors work together to establish education goals in their States.

I might add, Mr. President, this amendment is strongly supported by the National Governors' Association.

As a former Governor who had education as one of my highest priorities,

I am offering this amendment to make sure that the highest elected official of every State is a full partner with Congress in the effort to implement true reform. I urge my colleagues to support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SESSIONS. Will the Senator yield for a question?

Mrs. FEINSTEIN. I will.

Mr. SESSIONS. Has an order for speaking time been reached?

The PRESIDING OFFICER. There has been no such order reached.

Mr. KENNEDY. If I could ask the Chair, I think when the leaders asked, there was a recognition that in order to move the process forward, Senator VOINOVICH, Senator SPECTER—I see the leader is here—there was a recognition that Senator FEINSTEIN was to speak briefly, Senator MIKULSKI—we have agreed to consider her amendment—and Senator CARNAHAN. I don't know whether consent was agreed to, but I think that was generally the thought.

Mr. SESSIONS. If I could generally have the opportunity to speak after the last speaker, I will appreciate it.

Mr. KENNEDY. The Senator is being very gracious. There, correctly, was not a consent agreement, but I think there was sort of a gentleperson's agreement to try to move the scheduling along. I think I will be here when the Senator speaks.

Mr. SESSIONS. I understand. That will be acceptable? Do we have an understanding of the time the Senators will use?

Mr. KENNEDY. Senator CARNAHAN, as I understand, would like to address the Chair and introduce her amendment and set it aside. Am I correct?

Mrs. CARNAHAN. Yes.

Mr. KENNEDY. I ask consent she be recognized for that purpose. Then the Senator from California intends to introduce her amendment and speak briefly. After that, the Senator from Maryland, for whatever time she might use. After that, the Senator from Alabama.

Ms. MIKULSKI. If I might respond to the Democratic Chair of the Education Committee, I intend to speak no more than 10 minutes and probably even less.

Mr. KENNEDY. If we could ask unanimous consent to that order, and then I ask if I can be recognized after the Senator from Alabama.

Mr. SESSIONS. I have no objection.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Without objection, that is the order in which Senators will speak.

The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment pending right now is the Voinovich amendment. The Senator will have to ask that it be set aside.

Mrs. CARNAHAN. Yes, I ask unanimous consent the pending business be set aside.

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

AMENDMENT NO. 374 TO AMENDMENT NO. 358

Mrs. CARNAHAN. I call up amendment No. 374.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. CARNAHAN] proposes an amendment numbered 374 to amendment No. 358.

Mrs. CARNAHAN. 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 improve the quality of education in our Nation's classrooms)

On page 319, line 4, insert “, including teaching specialists in core academic subjects” after “principals”.

On page 326, line 1, insert “, including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers and reduce the agency's need to hire additional teachers or construct new facilities” after “performance”.

On page 327, line 2, insert “as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students served by the local educational agency participating in the eligible partnership” after “qualified”.

On page 517, line 18, strike “and”.

On page 517, line 20, strike the period and insert “; and”.

On page 517, between lines 20 and 21, insert the following:

“(I) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 528, line 11, strike “and”.

On page 528, line 14, strike the period and insert “; and”.

On page 528, between lines 14 and 15, insert the following:

“(16) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 539, line 10, strike “and”.

On page 539, between lines 10 and 11, insert the following:

“(E) alternative programs for the education and discipline of chronically violent and disruptive students; and”.

Mrs. CARNAHAN. Mr. President, it has been suggested that families and communities give us roots, but our schools give us wings—the wings of opportunity that come with a solid educational background.

I commend President Bush for putting education at the top of the national agenda. His goal to “leave no child behind” is one that all of us in the Congress should support. Indeed, education is a cause that all Americans can rally behind. For it is in the common interest to prepare our children for success. If we are interested in increased prosperity, higher productivity, safer streets, lower welfare rolls, and reduced need for government services, the place to start is in our public schools.

The Better Education for Students and Teachers Act that we are debating today is an important first step. It is

the product of arduous and painstaking negotiations on the part of my colleagues and the Bush administration. It represents bipartisan consensus. I applaud all those involved, who have put our children ahead of politics.

The legislation will bring greater accountability to our school system. It will mean increased testing, targeted support for failing schools, and new options for parents. The core principle behind the act is that we can identify low-performing schools through rigorous testing and then give them the resources they need to turn themselves around.

The bill is based on successful models that have been developed at the state level.

In Missouri, we have a comprehensive accountability system in place called the Missouri Assessment Program, or MAP.

These tests measure student progress in math, reading, science, and social studies to see if kids are meeting what we like to call the “Show-Me Standards.”

Now I am not one who feels that increased spending automatically translates into improved results. But I do believe a key element of the reform effort is to provide troubled schools with the resources they need to improve performance.

The first piece of legislation I introduced—the Quality Classrooms Act—is designed to fit in the context of this overall education reform effort.

The Quality Classrooms Act calls for a new investment in our schools, yet offers flexibility at the local level.

It provides school districts with the option of using funds on any of five proven programs: hiring new teachers; building more classrooms; hiring teaching specialists in core subjects such as reading, math, and science; creating alternative discipline programs; and instituting year-round school schedules.

These are commonsense provisions that meet basic needs. And I am pleased that the first two ideas—class size reduction and school construction—are already part of the education debate.

Today, I am introducing an amendment to accomplish the other three elements of the Quality Classrooms Act: specialists for core subjects; alternative discipline programs; and year-round school programs.

This amendment is about flexibility, not mandates. Like the Quality Classrooms Act, this amendment recognizes that local districts area best suited to make decisions about their needs.

The amendment proposes more teaching specialists because studies show that reducing class size is more cost effective when focused on certain subjects.

A good example of this is “Success for All” a program which enlists retired teachers and other part-timers as reading instructors. The instructors are carefully trained and focus on small groups of children.

More than 700 schools have participated in this program, and have achieved impressive results. Students enjoy learning more, are more engaged, and develop closer bonds with their teachers.

I point out, too, that this amendment will allow funds to be used for alternative programs for violent and disruptive students.

Ask any teacher, and they will tell you that one or two chronically disruptive students can destroy the learning environment for the entire class.

Schools need the flexibility and authority to provide safe and effective classrooms for all.

At the same time, we must make sure that districts can provide appropriate educational resources for disruptive students.

Under Missouri law, a teenager who carries a gun to school can be expelled and prohibited from returning to the traditional public school.

In some areas of the state, there is simply no alternative program available to this student.

Turning disruptive and potentially violent students out onto the streets without an education is a recipe for disaster.

However, in some parts of the state, districts have been able to create very effective programs for these students, relying on alternative education grants under Missouri's Safe Schools Act. Often, the alternative programs provide students with their last chance to receive an education.

In the Kirkwood School District, an alternative school has helped students improve their grades, behavior and attendance.

Those participating in the program have a different learning plan tailored to their needs.

Alternative programs open the door for creativity in working with disruptive students. The Kirkwood program, for example, collaborates with the juvenile court system. police officers meet with students and lead discussions on controlling anger, on drugs and alcohol abuse, and on decision-making.

As a result, discipline problems dropped dramatically. A total of 166 referrals to school administrators were made for students in the school year before they started in the alternative program. The following year, this number dropped to 73. School officials noted that fewer referrals saved the school “at least 90 hours of administrative time.”

Mr. President, the goal of my amendment is to recognize, reward, and encourage that kind of innovation and success.

And finally, the amendment will help school districts implement a year-round school schedule where it might be appropriate.

Studies have shown that a year-round school schedule increases student achievement. Teachers in traditional nine-month schools often spend

three to six weeks in the fall reviewing material that was taught during the previous year.

A year-round program can work well for at-risk or learning disabled students who may be struggling to grasp and retain information.

In addition, year-round schools can be a way to use facilities more efficiently. Some overcrowded schools stagger student attendance, so that one group is on vacation during each grading period.

In one district that grows by 1,500 kids a year, the district implemented a staggered, year-round schedule. This allows them to serve 2,000 additional children in a given academic year.

Of course, a year-round approach may not be right for some districts. For example, in rural areas, students often play a key role on family farms during the summer months. That is why this amendment allows each district to make the choice for itself.

There is no "one-size-fits-all" approach for our schools. Our schools and local districts need flexibility so they can make appropriate choices. My amendment will add to the flexibility that the bill already provides. I look forward to working with the manager and hope the amendment will receive widespread support.

This debate has given us an unique opportunity to improve education in America. Major progress is within our grasp. Our support for these innovative reforms will give our children the wings of opportunity needed for success.

Let us seize this opportunity and do what is right for our children.

I ask unanimous consent that the amendment be laid aside.

I yield the floor.

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

The Senator from California.

AMENDMENT NO. 392 TO AMENDMENT NO. 358

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 392 to amendment No. 358.

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

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

The amendment is as follows:

On page 327, after line 10, add the following:

(7) Carrying out programs and activities related to Master Teachers.

(2) MASTER TEACHER.—The term "master teacher" means a teacher who—

(A) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is rec-

ommended by administrators and other teachers who are knowledgeable of the individual's performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in subparagraph (F) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress pertaining to the utilization of funds under section 2123 for Master Teachers.

(2) CONTENTS OF REPORT.—The report shall include an analysis of:

(A)(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers;

(iv) the impact of master teachers on student achievement; and

(v) the reduction in the rate of attrition of beginning teachers; and

(B) recommendations regarding establishing activities to expand the project to additional local educational agencies and school districts.

Mrs. FEINSTEIN. Mr. President, today I am introducing an amendment to authorize school districts to use teacher training funds authorized under the bill to create master teachers.

The bill before us authorizes \$3 billion for FY 2002 Title II, teacher training. Under this amendment, school districts could use some of these funds to create master teacher positions.

If, for example, \$200 million were spent on master teachers, 6,600 master teacher positions could be created if each master teacher were paid \$30,000 on top of the current average teacher's salary.

What is this all about? Why am I doing it? One of the things I have discovered is it is difficult to keep good teachers in the classroom. The Senator from Vermont is in the Chamber. I can't tell him how many times I have given an award to a teacher of the year, or a teacher of the month, and they accept it and say they are leaving the classroom. I ask: Why are you leaving the classroom? Because I got a better job in Silicon Valley; or I am going to become an administrator.

When you ask why they are going to become an administrator, it is because of more money. The average teacher's salary is about \$40,000 a year. In California, it is \$45,000 a year. So you can work 10 or 15 years for that amount of money, but you can become an administrator at \$65,000 or \$70,000 a year and support your family.

So the idea occurred to me, what if we were to have a master teacher pro-

gram and allow teachers who have taught in the classrooms for 5 years—if they have certain credentials—to become a master teacher and receive the salary equal to that of an administrator?

What would the criteria be? Under this amendment, the teacher would be credentialed, have at least 5 years of teaching experience, and be adjudged to be an excellent teacher by administrators and teachers who are knowledgeable about this teacher's performance. The teacher would have to be currently teaching and willing to enter into a contract to teach for another 5 years.

The master teacher, then, would become a mentor teacher, would help other teachers in improving instruction and strengthening teacher skills, would mentor less-experienced teachers, help develop curriculum, and provide other professional development.

What is interesting is that 25 percent of beginning teachers do not teach more than 2 years. Nearly 40 percent leave in the first 5 years. For my State, this is a huge problem. We have 284,030 teachers currently, and in the next 10 years we have to hire an additional 300,000 teachers.

California's rate of student enrollment is three times the national average. Therefore, we have to hire 26,000 new teachers every year.

If they teach 2 years, and we lose them because they can get a better job elsewhere, or we lose a good teacher who has taught 6 or 7 or 8 or 10 years because that teacher wants to become an administrator to make a higher salary, we lose teaching skills in the classroom.

So I thought we could try to see if these excellent teachers would work in the classrooms for an additional 5 years, be willing to mentor other teachers, be credentialed teachers, and stay in the classrooms and become master teachers to help other teachers.

There are some existing mentoring programs. I worked earlier with Adam Urbanski, a teacher in Rochester, NY, who pointed out to me very clearly how mentoring programs keep teachers in the classroom. It occurred to me that master teachers could produce very good dividends.

One of the key things about all of this is that we expect so much from our teachers and we pay them so little. I think California is one of the highest cost-of-living areas in the Nation. Yet teachers earn \$45,000. Their salary is limited.

I would like to say to the chairman of the committee, who is in this Chamber, it is my understanding that the amendment is acceptable on both sides. I am very pleased. I intend to follow this closely. I hope we have a whole series of master teachers one day that burgeon throughout the Nation, that lead the way in keeping good teachers in the classroom, to increase teachers' salaries, and to increase the performance of the average classroom teacher.

I thank very much the chairman of the committee for his indulgence.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Vermont.

Mr. JEFFORDS. I believe we can accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Is there any objection to the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 392) was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. I thank the chairman very much.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending Voinovich amendment be laid aside.

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

AMENDMENT NO. 379

Ms. MIKULSKI. Mr. President, I now call up amendment No. 379.

The PRESIDING OFFICER. The amendment is pending.

Ms. MIKULSKI. Mr. President, this amendment is very simple. It is very straightforward. It is a great public investment in getting our children ready for their future.

What this amendment does is provide for the establishment of community technology centers in the United States under the provisions of the Elementary and Secondary Education Act. It would authorize \$100 million to create 1,000 community-based tech centers around the country. These centers would be created and run by community-based groups, such as the YMCA, the Urban League, or even a public library.

The Federal Government would provide competitive grants to these community-based groups. By the third year of funding at least half of the funds come from the private sector. In year one, 30 percent comes from private sector and in year two, 40 percent must come from the private sector. Again, by year three the funding would be 50-50; 50 percent from the Federal Government and 50 percent from the community-based groups. This is truly an excellent example of a public private-partnership and maximization of federal funds.

By funding community technology centers, we will be helping to build public-private partnerships around the country. I want to stress that the private, nonprofit sector is eager to form these partnerships.

Why do we need this amendment? First of all, in the President's edu-

cation bill there is no provision for community technology centers. The President's budget indicates he would make it a permissible use under HUD to be taken out of community development block grant money. So why do we want this in ESEA? We want it in ESEA because essentially it takes technology education to where people learn in their communities.

What would this mean for local communities? It would mean a safe haven for children where they could learn how to use computers—use them to do homework—use them to access the Internet. It means job training for adults who could use the technology centers to either get new skills and new tools to enter the new economy or to upgrade their skills.

Also, these centers would serve all regions, races, and ethnic groups. They will be where they are needed, where there is often limited access to technology. They will be in urban, rural, and suburban areas. They will be in Appalachia and Native American reservations, and urban centers.

Why do we need those? First of all, I want to acknowledge the fantastic work that Senator JEFFORDS has done in advocating something called the 21st century learning centers. He has, indeed, been a great advocate of that, along with his colleague, Senator JUDD GREGG. They really have been excellent in establishing these learning centers.

They are excellent programs, but they are primarily in schools. Most of them are only for children. And most of them operate during very specific hours. Some are open just a few hours a day; most do not necessarily focus on technology. I want to acknowledge that the one in Vermont is open weekends and even in the summer. So Vermont is really doing a great job.

But why do we need these community tech centers in the community? In some places schools are either too worn out or too dated to be wired for the future. We have school facilities in desperate need of modernization. And the poorer the community, usually the poorer the physical condition of the school. Community Technology Centers would ensure that technology is in the community.

Second, it is multigenerational. This means it could be used during the day for adults and seniors and in the afternoons for structured afterschool activities for children, bringing them to technology. It also could be open at night and on weekends. Also, it removes barriers to learning.

In many of our communities, new immigrants are shy about coming into schools, particularly adults. There is the need to reach out to men who very often want to upgrade their skills, to be able to come into a new workforce. Certainly, in my own community of Baltimore we see that. But they can sometimes feel awkward at age 28, 38, or 48 walking into a school building.

But they would walk into a community tech center. This is why we believe that in addition to the 21st century learning centers, these community technology centers are needed.

Let me cite a few examples. The Baltimore Urban League received a grant to create a community tech center. They created a computer clubhouse, an afterschool computer center for teenagers. The young people were taught computer skills. They also then teach other young people. They are engaging in desktop publishing. During the day, it is used for career development, focused on Welfare-to-Work.

In rural Odem, TX, we have another example of a community tech center that both worked with the people in the community but was also a source for distance learning. In a school district in Arizona, it helped young Native Americans enter the high-tech workforce.

I could go on with example after example. Let me tell my colleagues this: Thanks to the leadership of Senators HARKIN and SPECTER, and Labor-HHS, they funded community tech centers through appropriations. Be aware that they were never authorized. Essentially, HARKIN and SPECTER just went ahead and did it. God bless them for doing it. But they could only, because of the lack of authorization, fund very few of these programs. In 1999, over 750 community organizations applied for community technology center money. Under the great leadership of HARKIN-SPECTER, there was only enough money to give grants to 40 of these community organizations.

There is so much pent-up need, it points to why my legislation is needed. I believe we do not have a worker shortage in the United States—we have a skills shortage. Even with dot-coms now dot-bombing, there still is a great need for technology workers. In fact, in practically every field technology literacy is needed. Manufacturing in my own State has gone from smokestack to cyberstack. We must have people with the skills who are ready. We don't have a worker shortage in this country; we have a skill shortage in this country. In addition to schools and libraries, to have 1,000 community technology centers would be a welcome addition into these communities and neighborhoods for people to have the opportunity to truly enter this new world.

My legislation is endorsed by groups such as the National Council of La Raza, the NAACP headquartered in my own State, the American Library Association, the American Association of Community Colleges, and also the Computer and Communications Industry Association.

I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF  
COMMUNITY COLLEGES,  
Washington, DC, March 1, 2001.

Hon. BARBARA MIKULSKI,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MIKULSKI: The American Association of Community Colleges (AACC) endorses your amendment to the "Better Education for Students and Teachers Act," to set the authorization of funding for Community Technology Centers at \$100 million. AACC represents over 1,100 community colleges across the country.

This program has allowed community colleges to become stronger partners with their communities and has allowed them to help provide access to computers, the Internet, and technology to maximize participation in the digital economy. Some of the community college projects currently funded provided basic computer skills instruction, video conferencing links, after-school programs, welfare-to-work programs and educational counseling services. The programs offered at community colleges serve everyone from pre-school children to adults seeking lifelong learning opportunities.

This is a valuable program because it helps communities to jointly address their challenges. The coalitions funded through these programs secure non-federal matching contributions and also work extensively with each other to develop programs to help overcome the digital divide. The federal funds provided, which cannot exceed fifty percent of total project funds, provide critical seed money that will establish firm foundations for project activities. Community technology centers should be permanently authorized and funded at levels to provide technological opportunity to those who need it.

The American Association of Community colleges urges all Senators to support your amendment to this critical legislation. We thank you for spearheading this initiative.

Sincerely,

GEORGE R. BOGGS,  
President and CEO.

NATIONAL COUNCIL OF LA RAZA,  
Washington, DC, May 3, 2000.

Senator BARBARA A. MIKULSKI,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MIKULSKI: The National Council of La Raza (NCLR) thanks you for your effort to bring the promise of computer technology to communities that currently do not have equitable access to this important educational tool. In particular, we would like to express our support for your amendment to authorize the Computer Technology Centers (CTC) program.

The transition from an industrial economy to one based on information and technology presents numerous possibilities and challenges. For Hispanics, the advent of the information superhighway provides new educational opportunities. However, it also may further widen existing educational achievement gaps between Hispanics and non-Hispanics.

Studies have shown that the use of computers at home helps improve academic achievement. Yet, Hispanic students have less access to a computer with Internet access at home as compared to White students. In fact, White households are almost twice as likely (46 percent) to own a computer than Hispanic (25 percent) households.

While there has been some success in infusing education technology in America's schools, Hispanics continue to lag behind their non-Hispanic peers in this area. Contrary to the national statistics, schools and communities serving low-income and minority students, including Hispanics, are still very far behind their peers in gaining access.

Schools with a high number of low-income or minority students have less access to computers and the Internet than do affluent schools. For example, in 1998, schools with more than 71 percent of its students receiving free or reduced-price lunches had only 39 percent of the instructional rooms connected to the internet. In comparison, schools with 11 to 30 percent of such students had Internet connections in 53 percent of their instructional rooms.

There are many programs designed to help schools to obtain computers, Internet access, and teacher training. Unfortunately, few are designed specifically to include community-based organizations (CBOs). Lacking community-controlled colleges and universities or a system of Hispanic churches, CBOs are the lifeline of the Hispanic community. They are in a more advantageous position to assess the needs of Hispanic children and families, and have proven track records in providing successful services to community members. The CTCs program creates opportunities for CBOs to participate as partners in bringing this technology to their communities and, therefore, should be supported.

NCLR believes that your amendment to authorize and sufficiently fund the CTCs can have a significant, positive impact on the lives of many low-income Hispanic families. That is why we strongly support your legislation and encourage the entire Congress to do the same.

Sincerely,

RAUL YZAGUIRRE,  
President.

NAACP,  
Washington, DC, May 3, 2001.

MEMBERS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR: On behalf of the National Association for the Advancement of Colored People (NAACP), I am writing to inform you of our strong support for the amendment being offered by Senator Barbara Mikulski (D-MD to S.1, the reauthorization of the Elementary and Secondary Education Act. Specifically, the Mikulski amendment would authorize \$100 million for fiscal year 2002 and each of the following six years to create 1000 new Community Technology Centers. These centers would provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training. NAACP President and CEO Kweisi Mfume has personally met with Senator Mikulski to discuss this issue, and has made enactment of her legislation an NAACP legislative priority.

Access to computer technology is one of, if not the most significant important keys to success in the 21st century. A 1998 report by the independent Benton Institute estimated that by the year 2000, 60% of all jobs in the United States would require some computer skills. Too many Americans, either because of their geographical location, or their lack of economic resources, or both, are being left out of the computer age. This "digital divide" currently affects whole communities and, in the end, threatens the continued prosperity of our nation. The digital divide is resulting in an increased concentration of poverty and a deconcentration of opportunity.

According to one recent study while 46% of white families have computers in their homes, only 23% of African Americans can make the same claim, and only 25% of Hispanic American homes are currently equipped with computers. If allowed to continue, this disparity will only increase disadvantages faced by low income Americans and Americans of color as they try to enter the work force and improve themselves and

their communities. Perhaps the most frightening aspect of the numerous studies that have been done about the digital divide is that they all seem to agree that the disparities are growing.

Community Technology Centers, as proposed by the Mikulski amendment, are an important step in addressing the current technological inequities. While each center is different, and tailored to the community it serves, the primary goal by definition is to make computers, the Internet and various software packages available to children and adults who might otherwise be on the losing side of the digital divide. Community Technology Centers typically offer both classes as well as opportunities for individuals to take personal time to hone their technology skills. Classes vary from preschool and family programs to after school activities, adult education and courses in career development and job preparation.

Put simply, Community Technology Centers provide individuals and communities with the resources to help themselves and to improve their chances at becoming educated, productive Americans. I hope that you agree with me and the more than 600,000 card-carrying members of the NAACP that Community Technology Centers are a smart and much-needed investment in the future, and that you will support the Mikulski amendment. Should you have any questions, I hope you will not hesitate to contact me at the NAACP Washington Bureau, at (202) 638-2269 or Kimberly Ross in Senator Mikulski's office at (202) 224-4654 about this important amendment. Thank you in advance for your attention to this matter, and I look forward to continuing to work with you and this and other matters that will benefit our nation as a whole.

Sincerely,

HILARY O. SHELTON,  
Director,  
NAACP Washington Bureau.

AMERICAN LIBRARY ASSOCIATION,  
Washington, DC, March 6, 2001.

Hon. BARBARA MIKULSKI,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the American Library Association, I convey our support for your Community Technology Centers amendment to the Elementary and Secondary Education Act reauthorization. This amendment would enlarge the scope of possibilities for these centers, increasing their numbers and enabling libraries to continue to do their part in trying to bridge the "digital divide."

In Maryland, the Wicomico County Free Library has begun a very successful outreach project to build bridges across the digital divide in that very rural county. The library currently has four centers operating in a variety of community areas that are free, staffed by volunteers and, with library supervision, provide technology training and other services to members of the community. This outreach is beginning to make a real difference and your legislation could enlarge community efforts like this and allow other libraries in rural parts of all states to bring access to technology to their communities.

Thank you for your efforts to enlarge the abilities of libraries and other community groups to serve the public by providing access to technology tools, increased skills and information,

Sincerely,

NANCY C. KRANICH,  
President.

COMPUTER AND COMMUNICATIONS  
INDUSTRY ASSOCIATION,  
Washington, DC, March 7, 2001.

Senator BARBARA A. MIKULSKI,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the Computer and Communications Industry Association (CCIA), I am pleased to offer our support for your legislation to provide Federal funding for Community Technology Centers. This proposal would benefit not only those whom it would serve in economically distressed communities, but also the information technology industry.

Your legislation recognizes the critical need for policymakers and industry to address the growing "digital divide" in our country between those with ready access to computers and the Internet, and those for whom the promise of technology is beyond their grasp. Our members believe that technology can have a great leveling effect between the wealthy and the disadvantaged by providing access to information and services that have previously been unavailable to many Americans.

In addition, our industry faces a critical shortage of workers to sustain the incredible economic growth and innovation that we have experienced over recent years. Particularly by exposing disadvantaged children and young people to technology and teaching them basic technological skills, we believe that the Community Technology Centers would greatly influence these students to pursue the academic disciplines that will prepare them for high-tech careers. We recognize that only by reaching out to all Americans will we be able to fulfill our shared goals as a country and promote our general welfare.

We commend you for introducing this excellent proposal and look forward to working with you to achieve its enactment.

Sincerely,

JASON M. MAHLER,  
Vice President and  
General Counsel.

Ms. MIKULSKI. I could elaborate on this, but I know the Senator from Alabama is waiting to speak. I urge the adoption of my amendment. Perhaps after we hear from the distinguished chairman, who has really been a leader in new ways to teach and educate children, I will subsequently ask for the yeas and nays.

Mr. JEFFORDS. I think the Senator should ask for them now.

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

AMENDMENT NO. 378

Mr. SESSIONS. Mr. President, I would like to take a minute or two to raise some concerns I have about the Murray amendment which would require schools to use Title II funding to reduce class size and would cost \$2.4 billion.

Mandating class size reduction is a matter that we have to be very careful about. It may sound good, and it may seem that reducing class size is the right thing to do in America. And I

suppose it polls well. I know President Clinton pushed class size reduction very hard during his administration.

I took some time to look at the numbers and to see how this would work. I visited a lot of schools in Alabama, talked to teachers and principals. I don't hear them telling me their No. 1 goal is to reduce class size.

The serious question is, Is this a public policy that we ought to mandate on the schools? We know we have reduced class size significantly in the last decade or so and have gone from an average class size of 30 in 1961 to an average class size of 23 in 1998. During the period of time that we reduced class size, there was no improvement in standardized test scores.

We also know that schools in South Korea and in Taiwan have class sizes that are nearly twice ours and they have test scores better than ours.

Another factor we must consider when talking about class size reduction is the cost. Schools would have to hire more teachers. I have supported money for teachers today. But if we hire more teachers, are we really getting a bang for our buck? And if we do, where are they going to teach? They can't teach out under the shade tree. They have to have a classroom. That classroom has to be heated and cooled. It has to have a roof over it. You have to have insurance and upkeep and maintenance. That costs money.

If you require schools to reduce their class sizes by 25 percent, you have to have 25 percent more teachers. Not only that, you have to have 25 percent more classrooms, 25 percent more equipment, 25 percent more insurance, 25 percent more maintenance. It is tremendously expensive.

All I am saying is, I reviewed an article in "Education Week" of September 1999. It suggested that mandating class size reduction is a bad idea. In fact, the Education Department, as late as 1988 said reducing class size would have little or no positive results and would, in effect, be a waste of money. In fact, it would be a waste of a lot of money.

The numbers I have seen do not indicate that class size is a critical factor in student education. In fact, as many studies show, smaller class size seems to correspond more with lower test scores more than showing an increase. One reason is that a good teacher is critical to learning. If you are bringing on more teachers, you are more likely to bring on less qualified teachers than you have had and you could actually show a decline in learning.

I won't go on about that tonight. I know there is a strong feeling that this is the right direction in which to go, but I would be very reluctant—and I think the Senate should be reluctant—to mandate at the Federal level State school systems to undertake major class size reduction when we can't say with any certainty that it is worth that expense, that it is going to get the kind of bang for our buck that we want to get.

I believe that there are other things schools can do with this \$2.4 billion that and could produce more of an improvement in education. We should leave that decision to the schools and not mandate a "Washington-Knows-Best" fix.

I urge my colleagues to be cautious about a commitment to requiring schools to reduce class size, because we do not need to require our constituents and our school systems to expend extraordinary sums of money if we can't be certain that it is going to receive a benefit commensurate with that cost.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to thank our colleagues for remaining on the floor tonight and presenting their amendments. I think these are amendments that strengthen the legislation.

I might mention, first of all, Senator FEINSTEIN's amendment, which has been accepted. I think it adds an additional dimension to making sure the mentoring system would work well between senior teachers and newer teachers and will help all teachers be more effective in the classroom. The mentoring system has been enormously important, not only in enhancing education for children, but also in terms of retaining teachers. In many instances, the youngest, least experienced teachers teach in the most challenging classrooms, and 50% of those teachers leave teaching in the first five years.

What we have also seen—and the statistics demonstrate—that when teachers have a mentor—pairing new teachers with a more senior teacher—those younger teachers develop teaching skills. They become better teachers. They feel more confident about their teaching, and their interest in staying in teaching is enhanced, and the students are the beneficiaries. That is certainly something that we want to encourage in this legislation, and I think the Feinstein amendment strengthens that particular proposal.

I know when Senator CARNAHAN talked with us earlier about the amendment on professional development and about year-round schools and providing teaching specialists in reading in more schools, we saw—and I have referenced this earlier during the discussion and debate—the value of improved reading instruction in enhancing academic achievement. Today in the Washington Post, we read about the Prince Georges County Schools where the young children are reading for close to 90 minutes to 2 hours, and then spending a concentrated period of additional time on math. There is no question that spending more time reading has had a very positive impact.

I have seen it in a number of other situations myself, and I think the Carnahan amendment gives important options on how to use resources in terms of hiring specialists in reading, and enhancing professional development.

Then, there is also some allowable use in terms of the year-round schools. Experiments in year-round schools are being conducted in a number of different communities. Again, this legislation provides additional flexibility in the use of funds, while adding more accountability. I think Senator CARNAHAN has increased that kind of flexibility but still maintained the focus in terms of professional development. I think that is a very worthwhile use.

Finally, I am a strong supporter and cosponsor of the Mikulski amendment. I have admired Senator MIKULSKI as the leader in the Senate on the issue of the digital divide. I think all of us are very mindful—it is one of the reasons that we are here—about the digital divide in our country. Senator MIKULSKI, from the beginning, has identified new technology as being as significant as an education tool, in terms of the numbers of opportunities that it opens up, or the numbers of opportunities that are closed down if children are not exposed to the Internet and to newer technologies.

She has developed a very effective concept of these technology centers, which she has outlined. I visited the Computer Clubhouse in Boston last fall, which is one of the community technology centers in Boston. I met high school students who had attended the center for 3 years. They told me that coming to the Clubhouse had changed their lives. Because they had the positive experiences at the Center, they are planning to go to college and study math, science, or engineering. With the very small investment this amendment would provide, we could begin to put a technology center in every needy community in this country.

Information technology is changing how we learn at an incredible rate. New resources are added to the Internet every day. Web pages are as common as fax machines and cell phones. We cannot wait for needy individuals to find their own way to get access to modern resources. We have a responsibility to get the necessary tools to the high poverty urban and rural communities, and community technology centers are one way to fulfill that responsibility. So I urge my colleagues to support the amendment.

Finally, Massachusetts was, just several years ago, 48th out of 50 in terms of the Internet accessibility. It was really extraordinary, Mr. President. We have responded to the concept of a fellow named John Gage from Sun Systems in California, who developed this idea of "Net Days"—that is, to challenge the new industries to donate computers to schools and challenge labor to put wire down in these areas and in schools.

We did a number of these in my State on four different Net Days. On Net Day, we would announce the progress made in the last 6 months. We went from 48th to the top 20 percent of states with Internet access in the country. Boston

is the first urban center that had complete Internet accessing and training of teachers—it is very impressive.

I must say the generosity of the high-tech community was incredibly impressive to me. They were enormously responsive. So many of these companies are headed by young professionals and it was the first time they had been asked to do something. They welcomed the opportunity to be involved in their communities.

Then we challenged labor. In the city of Boston, on a voluntary basis, we got 350 miles of cable laid by the IBEW in Boston. Many of their children are going to these schools. It was an incredible sight to see so many different workers volunteering on Saturdays to wire the schools. It was an incredible coming together, and there was a great sense of pride in the achievement.

So, Mr. President, I think the Mikulski amendment will be an enormous force in helping to make sure that the access to the Internet, the technology, the curriculum, and the training of professional personnel will be effective. I know the Senator well; she will pursue this to make sure no child is left behind in the technology area. She is serious about closing the digital divide.

I thank our colleagues here today. We have made some important progress. We are strongly committed to starting early tomorrow and working late tomorrow night. We want to have a full opportunity to address education issues, but we want to try to also move this process forward. I am very grateful for the patience and courtesy of our colleagues today in helping us to move the legislation forward.

I yield the floor.

Mr. JEFFORDS. Mr. President, I thank my colleague from Massachusetts. We are working really well together on both sides. I praise all our Members. We are beginning to make real progress on this bill and, hopefully, we will have it finished well within the time allotted to us.

#### AMENDMENT NO. 388, AS MODIFIED

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator SPECTER's second-degree amendment be modified with the changes that are at the desk, and I state that this is just a drafting change and makes no substantive changes in the language.

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

The amendment (No. 388), as modified, reads as follows:

Strike all after the 1st word and insert the following:

#### CLASS SIZE REDUCTION.

“(a) ALLOTMENT.—Notwithstanding any other provision of this law, from \$1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

“(1) shall make available a total of \$6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

“(2) shall allot the remainder by providing to each State the same percentage of that re-

mainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

#### “(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

“(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families 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 Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

“(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

“(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

“(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

“(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

#### “(c) USES.—

“(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

“(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

“(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the

State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

“(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

“(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

“(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

“(1) to make further class size reductions in kindergarten through grade 3;

“(2) to reduce class size in other grades;

“(3) to carry out activities to improve teacher quality, including professional development; and

“(4) to carry out other activities authorized under title V.

“(e) REPORTS.—

“(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

“(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

“(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

“(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

“(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

“(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

“(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

#### VOTE EXPLANATION

Mr. WELLSTONE. Mr. President, I was necessarily absent during the vote on the Warner amendment regarding tax relief for teachers. The amendment was No. 383 to S. 1, the elementary and secondary education bill. I would like the RECORD to show that if present I would have voted aye.

#### MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### GAO ZHAN'S BIRTHDAY

Mr. ALLEN. Mr. President, I rise to note what should be a happy occasion but is instead a somber, worrisome, troubling and disconcerting situation.

Today is the 39th birthday of Gao Zhan, a woman of Chinese descent who on her 38th birthday lived in Northern Virginia with her husband Dong Hua Xue and her 5-year-old son Andrew.

Far from spending this 39th birthday in the day in the warm embrace of her loving family, maybe opening a present that her son Andrew made for her, or blowing out candles, she is somewhere else—enduring her 87th day of detention by the officials of the People's Republic of China, some 7,000 miles away from home in an unknown location and in unknown condition, with no contact whatsoever with her husband and her son.

Gao Zhan, who has permanent resident status in the United States, is a scholar at American University studying women's and family issues, especially as they relate to China and Taiwan. She was held for 43 days before she was even charged with a crime. At that time, the Chinese officials alleged that she was a spy for a foreign government but presented no evidence, aside from asserting that she had supposedly confessed.

Also very troubling was the fact that when she and her husband and son were attempting to leave Beijing after spending the Chinese New Year with her family, her husband and 5-year-old son were also detained and held separately from her for 26 days before being released. In fact, the 5-year-old son was held separately.

Indeed, the coerced separation of young Andrew, who is a U.S. citizen by birth, violated consular agreements with China. But according to Andrew's father, this detention has also traumatized this youngster psychologically. This once outgoing, talkative little boy has turned inward. He literally clings to his father's leg almost constantly, and he continues to suffer nightmares,

emotional withdrawal, and other adverse effects. Sometimes he will be eating supper and he will ask his father, “Where is my mother?”

It is often said that we fear what we do not know. For 87 days, Gao Zhan's family and friends have known precious little about her situation, and they are afraid. They don't know her location. They do not know her physical condition. They do not know the basis for the charges against her. No one has been permitted to see her—not our consular officials, who have lodged more than a dozen official protests with the Chinese, not the lawyers in Beijing or New York, who are authorized to practice law in China, whom her husband hired. This denial is even a violation of Chinese law. They have not even allowed international humanitarian organizations, such as the Red Cross, to see Gao Zhan.

On April 5, I introduced legislation, S. 702, which would grant Gao Zhan her desire to become a U.S. citizen. Her son, as I mentioned previously, is also a U.S. citizen. Her husband recently completed his oath in the naturalization process—he took the oath 2 months ago—and is a U.S. citizen.

Gao Zhan has met all of the requirements necessary to become a citizen, except for one—raising her hand and taking the oath of allegiance to the United States. She has established residency for at least 5 years prior to her application. In fact, she has lived in the United States since 1989. She passed the INS test on U.S. history, government, and language. And she passed the FBI background investigation.

Gao Zhan has clearly demonstrated her intent and desire to become a U.S. citizen. S. 702 would help effectuate her desire in her absence. At the same time, I believe taking this unprecedented action might help afford her the full range of protections that are accorded to U.S. citizens all around the world.

The Immigration and Naturalization Service has notified the Senate that Gao Zhan meets the requirements for naturalization, including good moral character. I therefore urge my colleagues, both on the Judiciary Committee and in the full Senate, to move this bill to make Gao Zhan a citizen as quickly as possible. While this legislation may not guarantee that China will begin respecting human rights of its own citizens and visitors, it might help reunite a wife and mother with her husband and child.

Gao Zhan's detention is part of a larger and disturbing pattern of arrests, of which Senator JEFFORDS is well aware, in China and the pattern of arrests of United States-based academics and residents that predates the incident involving detention of our 24 Navy crew members. Over the past several months, we have become aware of the detention of two American citizens of Chinese descent and three Chinese-born holders of American green cards,

including Gao Zhan and another scholar who is a resident of Hong Kong.

I have been made aware that one of these permanent U.S. residents, Liu Yaping, a businessman whom the Chinese have accused of fraud and tax evasion, is reportedly suffering from an aneurysm and his life could be in serious jeopardy. In addition, Gao Zhan also suffers from a chronic heart condition, and her family is understandably concerned about her health.

A number of my colleagues and I have already petitioned the Chinese Embassy for Gao Zhan's release on humanitarian grounds, to no avail. At the very least, Gao Zhan and others being held in China deserve humane treatment, contact with our consular officials, their families, and legal representation.

This sort of treatment of U.S. citizens and residents over the course of the past several months is clearly not the way to mend the frayed and unsettling relations between China and the United States.

I call on our administration to continue doing everything in its power to seek Gao Zhan's return. I ask my colleagues to support this legislation granting her citizenship, and I call on the Chinese Government to release Gao Zhan and return her to her family.

Knowing that the Chinese authorities do not allow any communications—even an e-mail, not even allowing a birthday card—wouldn't it be nice to just get a birthday card signed by her 5-year-old son and her husband, to know that they are OK. Knowing that is not going to be allowed, on behalf of the freedom-loving people of this country and all around the world, I still express our happy birthday wishes and hope our thoughts and prayers and actions will result in Gao Zhan spending her 40th birthday back home with her friends and family, and especially her 5-year-old son who needs his mother.

I thank the Chair and yield the floor.

Mr. JEFFORDS. Mr. President, I thank the Senator from Virginia for raising this issue. The person he is referring to is the mother of a 5-year-old. I also have taken as a cause Ngawang Choephel, who is a young man from Tibet who attended college and then went back to Tibet to work on trying to make a history of the language and the culture there and was arrested and, without any trial at all, imprisoned and still is in prison.

I finally had to go to the Chinese just to get the mother to see her son, which she was guaranteed to do under Chinese law. We finally did succeed in getting the two together, but he remains incarcerated in Tibet.

These are just a few, I am sure, of many such incidents. We should always keep these in mind when we decide what kind of relationship we are going to have with China.

Mr. President, I yield the floor.

#### RECOGNITION OF LIEUTENANT COLONEL STEVE PENN

Mr. LOTT. Mr. President, I would like to recognize Lieutenant Colonel Steve Penn for his meritorious service to the U.S. Senate both as a Legislative Fellow and as the Deputy Director of the Marine Corps Liaison Office from July 19, 1996 to April 24, 2001. Lieutenant Colonel Penn's uncompromising professionalism and interpersonal skills provided an immense contribution to the mission of communicating the Commandant's message in the United States Senate. As a fellow, he expertly advised Senator ROBERTS and his staff on matters of national security. In the Senate Liaison Office, he led scores of congressional and staff delegations on fact-finding trips to all corners of the globe with unparalleled ease. Additionally, he routinely prepared and delivered briefs to Senators often involving very complex military and Marine Corps issues, always with diplomacy and candor. Lieutenant Colonel Penn consistently maintained uncompromising standards for dedication and accuracy in his work. His personal pride and loyalty to the Marine Corps guided his work and deeds, and resulted in superior results. His unselfish devotion to duty, exceptional performance, and outstanding professionalism have served the Members of Congress and the professional staff well, and provided a priceless contribution to the Marine Corps. My colleagues join me in wishing Lieutenant Colonel Penn all the very best in his next assignment as a member of the Inspector and Instructor Staff, 2nd Battalion, 23rd Marines in Encino, California.

#### HONORING THE AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL AWARD WINNERS

Mr. DASCHLE. Mr. President, I am proud to announce to the Senate today the names of the young men and women who have been selected to receive special awards from the American Automobile Association. Three safety patrolers will receive the 2000 AAA School Safety Patrol Lifesaving Medal Award. This award is the highest honor given to members of the school safety patrol.

There are roughly 500,000 members of the school safety patrol in this country, helping in over 50,000 schools. Every day, these young people ensure that their peers arrive safely at school in the morning, and back home in the afternoon.

Most of the time, they accomplish their jobs uneventfully. But, on occasion, these volunteers must make split-second decisions, placing themselves in harm's way to save the lives of others. The heroic actions of this year's recipients exemplify this selflessness, and richly deserve recognition.

The first AAA Lifesaving Medal recipient comes from South San Francisco, CA.

On September 28, 2000, just as children were leaving Our Lady of Mercy School for the day, a car hit another car, veered out of control and plowed into the school parking lot. Safety patroler Dustin Ramirez helped maintain control until rescue and police officials arrived. His quick thinking and courage helped prevent any students from being hurt.

This year's second AAA Lifesaving Medal honoree comes from Brooklyn Center, MN.

On January 4, 2001, safety patroler Stefani Egnell was preventing students at Willow Lane Elementary School from crossing the street until she could determine if a speeding car was going to stop. Stefani prevented one 8-year-old girl from stepping in front of the car. She also pulled a boy who hadn't heard her warning back out of harm's way.

The third AAA Lifesaving Medal winner comes from Manassas, VA.

In March 2000, quick action by safety patroler Jonathan Waldron stopped a third grade student from being hit by a bus that had begun pulling away from the curb. Since the youngster was in the blind spot of the bus, the driver did not see him. Jonathan pulled him out of the path of the bus and prevented what could have been a tragedy.

In addition to honoring safety patrolers with the Lifesaving Medal Award, AAA also recognizes the School Safety Patroler of the year. This award is presented to patrolers who have performed their duties above and beyond their normal responsibilities and demonstrate outstanding leadership, dependability, and academic strength.

Courtney Graf Bernet has been named School Safety Patroler of the Year by AAA Mid-Atlantic. Courtney is a sixth-grader at Lee's Corner Elementary School in Fairfax, VA. In November, 2000, Courtney was on patrol duty when a fellow student alerted her that he was having a seizure. Courtney instinctively knew what to do to make the student safe and comfortable. She helped him sit down on a soft, grassy area, took off his backpack so he wouldn't hurt himself, and sent his sister for help. After the crisis was over, she also made sure the other students at the stop safely got on their bus.

Courtney's friends and teachers describe her as courageous and responsible. She excels at using computers, and when she is faced with a challenge, she perseveres until she succeeds. She and all of the other AAA winners deserve our thanks and applause.

On behalf of the Senate, I extend congratulations and thanks to these young women and men who are visiting the Capitol today. They are an asset to their communities, and their families and neighbors should be very proud of their courage and dedication.

I would also like to recognize the American Automobile Association for providing the supplies and training necessary to keep the safety patrol on duty nationwide.

Since the 1920's, AAA clubs across the country have been sponsoring student safety patrols to guide and protect younger classmates against traffic accidents. Easily recognizable by their fluorescent orange safety belt and shoulder strap, safety patrol members represent the very best of their schools and communities. Experts credit school safety patrol programs with helping to lower the number of traffic accidents and fatalities involving young children.

We owe AAA our gratitude for their tireless efforts to ensure that our Nation's children arrive to and from school safe and sound.

And we owe our thanks to these exceptional young men and women for their selfless actions. The discipline and courage they displayed deserves the praise and recognition of their schools, their communities and the Nation.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred August 8, 2000 in Providence, Rhode Island. Two young men said they were severely beaten and kicked by two strangers. The two victims were walking down a street when a car slowed and passed them. Minutes later the car drove by again, and the occupants began shouting vulgarities, anti-gay slurs and said, "We're going to kill you." The victims yelled back; the perpetrators allegedly got out of the car, shouted more anti-gay slurs and vulgarities, threw a beer can at them and then proceeded to beat and punch the victims in the head and body until one of them almost lost consciousness. The perpetrators eventually got in their car and fled, and witnesses called for help.

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.

#### THE 20TH ANNIVERSARY OF THE NUCLEAR CONTROL INSTITUTE

Mr. LEVIN. Mr. President, the Nuclear Control Institute, NCI, this year celebrates its 20th anniversary. For 20 years the NCI has worked to prevent the further spread of nuclear weapons to nations or to groups. In honor of their achievements and contributions, I ask unanimous consent that a letter of congratulations to NCI by our

former colleague, Senator John Glenn, and the remarks of the founder and president of NCI, Paul Leventhal, at NCI's 20th anniversary conference on April 9, 2001, be printed in the RECORD.

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

THE JOHN GLENN INSTITUTE,  
PUBLIC SERVICE & PUBLIC POLICY,  
Columbus, Ohio, April 9, 2001.

Mr. PAUL LEVENTHAL,  
c/o Mr. Len Bickwit,  
Miller & Chevalier, Chartered,  
Washington, DC.

DEAR PAUL: I want to extend to you personally my most sincere congratulations on the occasion of the twentieth anniversary of the Nuclear Control Institute. Your contribution to the debate on nuclear proliferation has been invaluable over the years and undoubtedly has helped make the world a safer one in which to live. I will always appreciate your & Senator Ribicoff's role in initially involving me in the nonproliferation issue during my early days in the Senate. While we have not always agreed on the specific measures to be taken in support of nonproliferation, we have always shared the objective that the control of nuclear weaponry must rank high on the list of the nation's public policy priorities. Your tireless work in support of that objective well deserves the commemoration it is receiving today.

Best regards,  
Sincerely,

JOHN GLENN.

#### NUCLEAR POWER AND THE SPREAD OF NUCLEAR WEAPONS: CAN WE HAVE ONE WITHOUT THE OTHER?

Good morning, I am Paul Leventhal, president of the Nuclear Control Institute, and I want to welcome you to NCI's 20th anniversary conference, "Nuclear Power and the Spread of Nuclear Weapons—Can We Have One Without the Other?"

NCI got started 20 years ago on a spring day like today when I landed a \$7,500 contribution from an anonymous member of the Rockefeller family. Wade Greene, the Rockefeller program officer who has been so helpful to a number of non-profit organizations represented here today, called it a "stimulative grant" to encourage giving by other foundations. But I had just lost my job on Capitol Hill, when the majority of the Senate switched to the party other than the one my boss and subcommittee chairman, Gary Hart, belonged to. So, I wasted no time and applied the Rockefeller check to renting a desk in the corridor of a small law firm located in a town house a block away from here, on N Street. With the desk came a posh conference room, suitable for holding meetings with other NGOs with an interest in plutonium and proliferation, and NCI was born.

In those days, NCI stood for The Nuclear Club Inc. The name was too clever by 5/8ths. But we used it anyway in a full-page New York Times ad, on Sunday, June 21, 1981, to launch our fledgling organization. The ad, which you will find in your folders, posed the question, "Will Tomorrow's Terrorist Have an Atom Bomb?"—a question, unfortunately, still highly relevant today, as is the answer. NCI's name has changed, but our mission—to prevent the further spread of nuclear weapons to nations, or to groups—remains the same.

The ad's creator was Julian Koenig, an original member and still a member of our Board. He is a Madison Avenue legend, now retired, whose credits included Volkswagen's original "Think Small" campaign and the naming of "Earth Day."

At first, Mr. Koenig expressed reluctance about joining our board, but I assured him that NCI would have to solve the plutonium problem in five years, or he and I probably wouldn't survive to talk about it anyway. I was wrong on both counts. We haven't solved the problem. We are still around to talk about it. To paraphrase Faulkner, NCI has endured, if not prevailed. We are all still here to talk about the role of nuclear power, plutonium and other associated proliferation risks—that is the purpose of our meeting today.

Those of you familiar with NCI's work probably detect something different about today's program. When we planned this conference—and here I wish to acknowledge the contribution of Marvin Miller of MIT, a longtime technical adviser and all-around shmoozer for NCI—we discussed whether we should look at nuclear power in a broader context: Do we need nuclear power? How essential is it? This is a policy area that Nuclear Control Institute has not ventured into before. Although some in industry and bureaucracy conclude that our opposition to civilian use of plutonium and the other nuclear weapons material, highly enriched uranium (HEU), means that we are opposed to nuclear power, we are in fact not an anti-nuclear organization. We have maintained a policy of neutrality on nuclear power and steer clear of efforts to shut the industry down. We are anti-plutonium and anti-HEU, not anti-nuclear.

Our purpose today in examining the need for nuclear power, and the possible alternatives to it, is the current push by industry and apparently by the Bush Administration to revive nuclear power and to expand it in response to growing concerns about electricity-supply shortages and global warming.

To underscore this point, today's Washington Post quotes Vice President Cheney as saying, "We need to build 65 new power plants for the next 20 years, and my own view is that some of those ought to be nuclear, and that's the environmentally sound way to go."

We strongly believe that such an initiative should not go forward without first examining whether there is an irreducible proliferation risk associated with nuclear power, and whether this risk is serious enough to change current commitments to nuclear power.

If the nuclear industry refuses to end its love affair with plutonium, especially now that it is widely acknowledged that plutonium is not an essential fuel because of the abundance of cheap, non-weapons usable uranium, then the world may well be better off without nuclear power. In that case, we should look to alternative sources of energy and to energy conservation and efficiency measures. Even if industry gives up plutonium, there are still severe proliferation dangers associated with the prospect of cheap, efficient enrichment technology and with potentially limitless sources of uranium.

So, we will be examining two sets of questions today:

Are there viable alternatives to nuclear power?

Are the proliferation risks associated with nuclear power so great as to make these alternative approaches imperative?

We have called on a world-class set of experts to address these questions, and we also have an expert audience representing a full range of views that should keep the speakers on their toes. NCI has always sought to be inclusive and to invite opposing viewpoints to be represented at its conferences. This approach sometimes generates heat, but also light. We ask the speakers to keep to their time limits and the questioners to be succinct and to the point. We have a number of

issues to cover in one day and can only do so if concision is king.

I want to highlight some of NCI's concerns about the proliferation and security risks of nuclear power and about the way these risks are now being addressed. I hope these points help to inform and to stimulate the discussions that follow.

It is important to recognize the central role of fissile materials as the driving force behind proliferation. Granted, any decision to go nuclear is a political one, but the capability to execute that decision is technical. It is impossible to build nuclear weapons without plutonium or HEU. Thus, it should be straightforward that the nuclear power industry imposes a menace on the world if it insists on utilizing these explosive nuclear fuels when it is possible to run nuclear power and research reactors without them. As will be discussed by the luncheon speakers and the afternoon non-proliferation panel, nuclear power programs have provided cover for actual or attempted weapons-making in a number of countries. In each case, closing the fuel cycle to extract plutonium enriching uranium to weapons grade, or importing weapons-grade uranium to run research reactors were the quintessential elements of those programs.

Seeking to restrict and eliminate use of these fuels was the objective of the Congressional non-proliferation initiatives of the 1970s and of the Ford and Carter administrations. But these initiatives ran into political trouble because of the fierce opposition of our European and Japanese allies, who refused to follow the U.S. example. Today, the plutonium and breeder programs in these countries are in desperate financial straits, and this situation presents the United States an opportunity to reopen these issues and to seek cooperative approaches for disposal of excess fissile materials without introducing them as fuels.

Even the pro-plutonium British Nuclear Industrial Forum, in a recent analysis of prospects for the industry, made this statement: "Proliferation is a major issue in the nuclear fuel cycle. Nuclear Power may become more acceptable to the public if reprocessing is shut down." Clearly, the plutonium program in Britain, as in Germany and Japan, is encountering great difficulties. I have been privileged to be the only American invited to participate in a stakeholders' dialogue with British Nuclear Fuels Ltd., the government-owned fuel cycle company, on its plutonium program. As a result of this dialogue, BNFL has now agreed to undertake a formal assessment of immobilizing Britain's 60-plus ton stockpile of civilian plutonium as an alternative to fabricating it into MOX fuel.

However, despite this and other opportunities for the United States to revisit the plutonium component of U.S. non-proliferation policy, "transparency" and "gradualism" still dominate U.S. policy today. But achieving transparency of the world's plutonium stockpiles is no substitute for getting rid of them, while gradualism can be an excuse for not doing anything effective. The rapid growth of stocks of plutonium serves to illustrate this point. The growth has not been as rapid as we projected in 1983 when NCI commissioned David Albright to do his first study of this project. At that time, we projected 600 tons of separated civilian plutonium by the year 2000. Today, because of large-scale cancellations of new nuclear power and fuel-cycle plant orders, and of the demise of the breeder reactor, the actual amount of separated, civilian plutonium is about 200 tons—still an awesome figure that approximates the amount of military plutonium in the world.

But, by way of contrast, it should be noted that stocks of civilian highly enriched ura-

nium exported by the United States have gone down dramatically—the result of the RERTR (Reduced Enrichment for Research and Test Reactors) program, run by the U.S. Argonne National Laboratory, with relatively strong support by the Executive Branch. In this case, there is a law in effect (the Schumer Amendment) which applies a sanctions approach and bars exports of HEU except to research reactors whose operators have agreed to convert to high-density, low-enriched uranium that cannot be used in bombs. The result: HEU exports by the United States are now virtually nil, limited to relatively small amounts to support continued operation of reactors while they are in the process of conversion.

Plutonium is a different story, however. Provisions in the Nuclear Non-Proliferation Act 1978, which were intended to restrict commerce in plutonium derived from U.S.-supplied nuclear fuel, have been circumvented by the Executive Branch.

It is important to note the pivotal role of Japan in all of this. Those of you familiar with the activities of NCI know that we focus attention on the Japanese plutonium program. We are sometimes criticized for doing so. Questions have been raised as to why we are so concerned about plutonium in Japan, given Japan's adherence to the Nuclear Non-Proliferation Treaty and to IAEA safeguards.

The answer is that Japan strongly resisted U.S. efforts to avoid commercial use of plutonium and is now the lynchpin for world plutonium commerce. Japan is the most important customer today of the European reprocessing and MOX industries. Without Japan, these industries might well be forced to shut down.

The Japanese plutonium program is losing domestic public acceptance as a consequence of a succession of nuclear accidents in Japan, as well as a scandal that developed when BNFL workers deliberately falsified quality-control data for plutonium-uranium, mixed oxide (MOX) fuel that was shipped to Japan for use in light-water reactors. Outside Japan, there is a considerable suspicion in the East Asian region as to why Japan wants to accumulate so much weapons-usable plutonium when there is a clear alternative in the form of low-enriched uranium fuel. NCI has pointed out in a detailed economic analysis that Japan could ensure its energy security by building a strategic reserve of non-weapons-usable uranium at a fraction of the cost of its plutonium and breeder programs.

NCI regards Japan as a special case, too, because, of all the civil plutonium-consuming countries, Japan refuses to acknowledge the weapons utility of reactor-grade plutonium despite many briefings on the subject by the U.S. Government. NCI commissioned the late Carson Mark, former head of weapons design at Los Alamos National Laboratory, to do an analysis of the weapons utility of reactor grade plutonium. This study eventually convinced the IAEA that reactor-grade plutonium was suitable for weapons, but unfortunately the Japanese government and industry continue to refuse to do so.

The Japanese plutonium program has also prompted strong protests from many states that are alarmed by the regular transports of MOX fuel and highly radioactive reprocessing waste that now pass close to their coastlines, en route from Europe to Japan. Japan has not been responsive to the safety and security concerns about these shipments that have been raised by the en-route states, or to their demands for environmental impact assessments, advance consultation on emergency planning, and guarantees of salvage of lost cargoes and indemnification against catastrophic consequences of accidents or attacks.

The consequence of all this is that the Japanese plutonium program is mired in controversy, both domestically and internationally. In NCI's view, it should be regarded as a special case and of special concern. If Japan should eventually decide against further use of plutonium fuel and the European plutonium industry collapsed as a result, it might then be possible to build an international consensus to eliminate commerce in plutonium as well as bomb-grade uranium.

We think Japan and the other big plutonium-producing and-consuming countries do count because they set an example and a standard for the rest of the world. I will return to this subject this afternoon during the non-proliferation panel.

I also want to highlight NCI's concerns about the possibility of reactors as radiological weapons—that is, the risk of sabotage of nuclear power plants. This is not just a Russian problem. It is an American problem, as well. Half the nuclear power plants in the United States have failed to repel mock attacks—so-called force-on-force exercises supervised by the Nuclear Regulatory Commission. The NRC refuses to take enforcement action in response to the failures, and is in the process of weakening the rules of the game in response to industry complaints. The agency even refuses to officially acknowledge the pass-fail nature of the exercises when the mock attackers reach and "destory" a complete set of redundant core cooling systems. Perhaps the NRC is right. It's not pass-fail. It's pass-melt.

NCI's Scientific Director, Edwin Lyman, will have more to say on this subject at this afternoon's technical fixes panel.

There is a curious historical context to this issue. It goes back to 1913, when H.G. Wells wrote a book entitled *The World Set Free*. In 1933, the Hungarian physicist, Leo Szilard, was thinking about this book, which he had read the year before, at the historic moment when, as he crossed Southhampton Row in the Bloomsbury section of London, he figured out the nuclear chain reaction. Wells, in this book, depicted a future nuclear war that began after atomic energy had been harnessed for peaceful purposes. But it was warfare that involved not exploding atomic bombs, but machines that spewed forth radiological poisons—the equivalent of a modern reactor meltdown.

My concern is that sabotage of nuclear power plants may be the greatest domestic vulnerability in the United States today. Many plants are not protected adequately, industry operators seem not prepared to pay the cost of doing so, and the NRC seems ill-disposed to require them to do so. It is not even certain that security of nuclear power plants against attack and sabotage can be assured by conventional, private means. This is a subject worth taking a hard look at.

It also raises the larger question of the adequacy of nuclear regulation today. It is essential to maintain strong, independent nuclear regulation free of undue industry influence. When I got into this business as a U.S. Senate staffer more than 25 years ago, my first responsibility was to handle the Energy Reorganization Act of 1974. This act "fissioned" the Atomic Energy Commission into separate regulatory and promotional agencies, and thus transformed a weak regulatory division of the AEC into a strong, independent NRC. As I observe the NRC today, I am concerned that it is looking more and more like the old AEC regulatory division, subject to undue influence by industry and particularly by industry's powerful friends on Capitol Hill. This is also a matter deserving of close scrutiny.

When I started out, I was very much influenced by the thinking of two leading nuclear contrarians. One was David Lilienthal, who

had served as both the first head of the Tennessee Valley Authority and the first chairman of the Atomic Energy Commission. His Congressional testimony in 1976 in opposition to U.S. nuclear exports and in support of non-proliferation legislation caused a furor among his former colleagues. He once said to me, "If we assume nuclear proliferation to be inevitable, of course it will be." That made a lot of sense to me then, and still does today.

Ted Taylor, America's most creative fission bomb designer and a member of NCI's Board, also made a concise and compelling point: "Nuclear is different," he said. And to illustrate the point, he noted that the bomb that destroyed Nagasaki set off an instant of explosive energy equivalent to a pile of dynamite as big as the White House that was contained in a sphere of plutonium no bigger than a baseball. That was a first-generation bomb, a technological feat now within the grasp of terrorists or radical states if they manage to get their hands on the material.

Ultimately it comes down to a test of reasonableness. Is it reasonable to assume, over time, that millions of kilograms of plutonium can be sequestered down to the less than 8 kilograms needed for such a bomb? This question, in my view, must be answered before giving any further comfort to and support of an industry that remains officially committed to utilizing plutonium as a fuel—and surely before supporting an extension and expansion of that industry in response to electricity-supply shortages and global warming.

I close with a reminder from one of NCI's original Board members, the historian Barbara Tuchman, who in her book of the same title gave a sobering description of the "march of folly" that drives nations to destruction. She identified this phenomenon, one repeated throughout recorded history, as "pervasive persistence in a policy demonstrably unworkable or counterproductive." To qualify as folly, she said, it "must have been perceived as counter-productive in its own time, not merely by hindsight, . . . (and) a feasible alternative course of action must have been available."

#### MOTHER'S DAY

Mr. DURBIN. Mr. President, it is with great pleasure that I rise today to honor America's mothers. On Sunday, May 13th, families across America will celebrate Mother's Day. This is a special time of year, when we pay tribute to our mothers for playing an important role in our lives.

Mother's Day is a time to thank mothers for their patience, compassion, and devotion. Mothers have taught us to be who we are today and who we will be in the future. They instill values of respect and honor in our lives. On this day, we acknowledge the role mothers play in shaping our nation's future, one child at a time.

Our mothers were first honored in this way in 1907, when Anna Jarvis petitioned influential political and religious leaders to adopt a formal holiday honoring mothers. She hoped that such an observance would increase respect for parents and strengthen family bonds. Thanks to her efforts, in 1914, President Woodrow Wilson proclaimed the second Sunday in May as Mother's Day. He declared that on this day, the U.S. flag is to be displayed in government buildings and at people's homes

"as a public expression of our love and reverence for the mothers of our country."

This year, as we celebrate Mother's Day, we are reminded of the changing role of mothers in our society. Today, mothers are not only homemakers and volunteers. They are lawyers and doctors, teachers and nurses, Senators and CEOs. In fact, half of American women with children under the age of eighteen now work full time, outside the home. Whether our mothers work inside or outside the home, they are our caretakers and nurturers. They are the cornerstone of our country. Their role in our society is priceless.

With all of our mothers' hard-work and devotion, it is no wonder that each year families search for the perfect gift to give for Mothers' Day. We purchase flowers, candy, and cards. Yet, America's mothers deserve more. Mothers want to know that their children are safe in school, receiving the best possible education, and protected from dangers in the community. This is where we, as lawmakers, have a role to play. We can do more to help mothers. We can help give them something they want and deserve for Mother's Day by passing legislation that reduces the number of guns on our streets, improves our schools, and protect our neighborhoods.

One year ago I joined over 900,000 mothers, fathers and children across the country in the Million Mom March. We came out on Mother's Day to renew our commitment to our children—we will continue to work tirelessly to prevent the senseless gun related deaths of our children. We want to raise our children, not bury them.

We joined together to talk about the need for gun safety and sensible gun control. Yet this body has turned a deaf ear to the calls.

While some downplay the fact that guns are more rampant in America than in any other country, more and more children are killed by guns. Every day, 10 mothers are told that their child has been killed by gunfire. That is 10 too many. Last Congress, I introduced bipartisan legislation with eight other Senators, known as the Child Access Prevention, CAP, bill, in an effort to hold gun owners accountable when they fail to safely store their firearms. Gun owners need to assume responsibility for safely storing their firearms in a way that is not accessible to children. Unfortunately, the Congress did not pass my bill. I plan to reintroduce this legislation during this Congress and I urge my colleagues to join me in this effort.

Here we are, two years after Columbine, one year after the Million Mom March, and two months after Santana High, and this Senate still has not acted on any gun legislation. How many more mothers will have to celebrate Mother's Day without their children at their side before we begin helping law enforcement and school officials end the violence in our schools?

Our mothers should not have to fear sending their children to school. We must pass sensible gun laws—for our nation, for our children, for our mothers.

This year, for Mother's Day, let us also assure mothers that their children are receiving a quality education. Too many school children face challenges that inhibit their ability to learn. Student-to-teacher ratios are too large, teachers are not properly trained, and the best technology is not made available. Mothers count on our schools to provide their children with the best possible education. Yet, our schools are not meeting the standards. While Congress debates funding priorities, our children are leaving school unprepared for their futures.

We must increase Federal support for education to ensure that all our children have the skills and knowledge they will need in the future. Our goal must be to make every child a success story. Allocated funding will allow schools to reduce class sizes and increase professional development programs for teachers. It will help local schools invest in and integrate new technology in classrooms and help expand school counseling, school safety, and substance abuse programs. By helping our schools, we will assure mothers that their children are ready for the future.

As a gift for Mother's Day, we can also give children a place to go after school hours. With one half of American mothers working full time outside the home, many children come home from school to an empty house. It is during this time when many unsupervised children find trouble. A study released by the YMCA of the USA designated the hours between 3 p.m. and 6 p.m. as the "danger zone." Teenagers are more likely to drink, smoke, or engage in sexual activity because they are unsupervised. But this time could and should be used for productive activities.

The hours after school should be a time to learn and grow, not invite trouble. We need to expand funding for programs like Chicago's Lighthouse after school program, so that children have access to tutoring and mentoring programs, recreational activities, and literacy education after the school day ends. When children participate in these programs, working mothers can be reassured that their children are not only safe, but thriving, while they are at work.

In conclusion, Sunday is our special opportunity to recognize the role of mothers and to thank them for their nurture, care, and love. On Sunday, when we salute our mothers for the role they have played in our lives, let's recommit ourselves to give them a gift in return, a gift they will treasure. Let's pass sensible gun laws, increase funding to our schools, and protect our communities. That is what our mothers want, on Mother's Day and every day. And that is what we should give them.

### MEDICARE INPATIENT HOSPITAL SERVICES

Mrs. CLINTON. Mr. President, today, I am so pleased to join my good friends, Senator HUTCHISON from Texas and Senator BAYH from Indiana, in supporting this legislation to help Medicare payments keep pace with the rising costs of hospital care, and to halt further Medicare reductions to teaching hospitals.

Our hospitals are under tremendous strain. They face soaring costs from nearly every direction: The growing number of uninsured individuals coupled with the devastating shortages of skilled health care workers. The struggle to afford skyrocketing pharmaceuticals prices, while simultaneously investing in emerging needs, such as information technology. At the same time, reductions in Medicare payments have hindered hospitals' ability to respond to these increased demands. How can we expect patients to receive quality health care when we're asking our hospitals to do more with so much less?

As you know, this week we are focusing on the crisis around the shortage of nurses. Ninety-one percent of hospitals in New York State report shortages of registered nurses, RNs. But this is really just the tip of the iceberg. The shortages in the health care workforce permeate the entire health care system, especially our hospitals. There are shortages in pharmacists, technicians, nurse aides, billing staff, and housekeepers that have all negatively impacted the quality of care New Yorkers are able to receive.

As a representative of the State of New York, I am especially troubled by the growing strains that our hospitals have been forced to contend with on top of the devastating cuts that have resulted from the balanced budget agreement of 1997, BBA. I have heard numerous firsthand accounts of the adverse impact on New York hospitals and the facts speak for themselves: In the 2 years following the BBA, New York hospitals' financial health ranked worst in the Nation. In fact, almost two-thirds of New York hospitals had negative operating margins last year. And in addition to the workforce shortage affecting health providers nationwide, New York providers are also confronting labor costs increases of 5-7 percent a year, while the Medicare rates for inpatient hospital rates, even with the full market basket update we are seeking in today's legislation, expected to rise only around 3.1 percent.

In recent years, Congress has successfully provided some short-term relief to address areas where the cuts enacted in the BBA of 1997 went much further than intended. However, much of the relief merely postponed scheduled cuts in Medicare payments and that is why the legislation that we are introducing today is so important.

This legislation today would eliminate some of those previously delayed cuts. First, it would restore the market

basket update for inpatient hospital rates to the full level, rather than market-basket minus 0.55 percent, as scheduled for fiscal year 2002 and 2003. This important step will help hospitals nationwide keep up with the rising costs of inpatient care for Medicare beneficiaries. This provision helps all hospitals in New York State by increasing inpatient hospital payments across the board.

I am especially pleased that this legislation would also address the cuts faced by teaching hospitals to their Medicare indirect medical education payments. Teaching hospitals are the crown jewels of our Nation's health care system and play a vital role in making our system one of the finest in the world.

We rely on them to train physicians and nurses, care for the sickest of the sick and the poorest of the poor, and engage in research and clinical trials. Thanks to the research, for example, at Memorial Sloan-Kettering, cancer patients will suffer less while receiving chemotherapy because of a drug that was developed there.

As my predecessor and friend, Senator Daniel Patrick Moynihan, in whose footsteps I am so honored to be following, put it so well a few years ago, "We are in the midst of a great era of discovery in the medical science. It is certainly not a time to close medical schools. This great era of medical discovery is occurring right here in the United States . . . And it is centered in New York City."

This legislation that we are introducing today would address the cuts faced by teaching hospitals to their Medicare indirect medical education payments. Last year's Medicare, Medicaid, and SCHIP Benefits Improvement Act of 2000, BIPA, provided some relief by delaying the cuts to help teaching hospitals cover the costs of caring for sicker, more complicated patients. Today's provision would make that relief permanent by freezing the indirect medical education adjustments percentage at 6.5 percent.

In addition, teaching hospitals throughout the State would benefit, including rural hospitals such as Kingston Hospital, Benedictine Hospital, Champlain Valley Physicians Hospital Medical Center, Olean General Hospital, and Hepburn Medical Center in Ogdensburg, NY.

Today's legislation is essential to ensuring that our Nation's older and disabled patients can continue to receive the high quality of care that they deserve. I look forward to working with my colleagues and the administration to address this and other important health care priorities.

### REMEMBERING ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. DAYTON. Mr. President, I rise today to recognize that May is Asian Pacific American Heritage Month, and I want to acknowledge the many ac-

complishments and contributions that people of Asian and Pacific Island descent have made to Minnesota and to our country.

Their many different talents, cultures, and histories have played important roles in building and strengthening our country, and they have exemplified the important traditions of hard work, respect for family and elders, and the value of a quality education.

Since their arrival in this country, they have believed strongly in the American Dream and in better opportunities for those who seek them. These qualities have enabled them to overcome adversity and discrimination, and allowed them to achieve enormous successes in virtually every field.

The complexion of my home state of Minnesota is changing dramatically. We have seen a sharp increase in the number of Asian Americans and Pacific Islanders who reside in our state, and we welcome the opportunity to continue to work with them to create a better Minnesota.

In one of my first meetings as a new Senator, I had the opportunity to visit with the Council on Asian Pacific Minnesotans, and I learned of the many important contributions which this community makes to my home state. They shared with me not only their successes, but also their continuing struggles to ensure that Minnesotans of Asian and Pacific Island descent have the best education, housing, health care, and job opportunities possible.

I would like to acknowledge just a few of the Minnesotans of Asian or Pacific Island descent whose efforts have made Minnesota a better place to live and work. In the political arena, the Honorable Satveer Chaudhary became the first Asian American to be elected to the Minnesota state legislature and now serves as the highest-ranking elected official of Indian descent in the nation. Ms. Zarina Baber helped establish the volunteer based clinic in Fridley known as Al'Shifa, which provides culturally specific health care free of charge to needy or uninsured patients. Ms. Baber volunteers as the director of this clinic and has developed partnerships with area hospitals and clinics. Mr. Lee Pao Xiong recently became the first non-African American President of Minneapolis' Urban Coalition. He has served on President Clinton's Commission on Asian and Pacific Islanders, and has been a leader in helping the Hmong community to make the transition to mainstream America while preserving the integrity of their own culture. Wai Lee, a devoted mother of four, as well as an active member of the Faribault community, has skillfully combined motherhood with activism. She has volunteered in the Faribault community for many years, taught English as a Second Language, and developed a mentor program to involve children and help them with their English skills. Venture

Crew 6, a community organization made up of Asian youth leaders, is working to make Minnesota a better place to live and train young people to be future leaders. The group's mission is to help Minnesota youth grow, develop, and foster leadership skills while serving their communities. The members, made up of traditional and "at risk" youth, lend a hand to the state's elderly, and provide a variety of other volunteer services in several Minnesota communities.

There are many other women and men who belong on this "Honor Role" of outstanding Minnesotans. During this month, we should all take time to remind ourselves of the important contributions made to our society by those of Asian American and Pacific Island descent, who bring with them rich cultures, desire for growth and opportunity, and the chance to achieve the American dream.

#### EXPORT PROMOTION PROGRAMS

Mr. BINGAMAN. Mr. President, I rise today to address the issue of U.S. trade policy, in particular the funds directed toward export promotion in the Bush administration fiscal year 2002 budget.

Until only recently, the United States had been experiencing the largest period of sustained economic growth in our history, with over 20 million jobs created, the lowest unemployment rate in 30 years, the lowest poverty rate in 20 years, and substantial increases in gross domestic product and productivity. According to nearly every analyst, there is a direct correlation between increased international trade and these statistics, with exporting firms and workers contributing as much as 30 percent to our economic growth. Exports in U.S. goods and services have risen by almost 50 percent over the last eight years. This translates into increased international sales for business of all sizes, increased opportunities for high-wage employment, and enhanced economic security for Americans.

Significantly, our trade policy over the last 8 years has included tangible resources directed toward export promotion initiatives, the primary goal being to ensure that exporters, large, medium, and small, could take advantage of market opportunities occurring as a result of international trade negotiations and market liberalization. Included in this trade strategy were a range of policy programs, from trade promotion and financing, to market monitoring and compliance, to database creation and business counseling, all of which were specifically designed to ensure that U.S. firms of all sizes had the information they needed, that they were positioned to take advantage of foreign markets, and, in this manner, that we could unlock the full potential of our national economy.

As I examine the current budget I am concerned that this commitment to export promotion has weakened signifi-

cantly under the new administration. Given the rapid changes occurring in the international political economy, I am concerned that the administration is ignoring the challenges U.S. firms now face with their competition. Given the emphasis placed on these programs by foreign governments at this time, I am concerned about the effect this change will have on the level of our exports. Given the state of our economy at this time, I am concerned this will simply be another factor contributing to a decline in economic growth.

Let me give some specific examples of the budget cuts I am referring to. Based on the budget numbers provided by President Bush: Funding for the Trade Development Program, which performs trade investment analyses, works with firms to identify and capitalize on overseas trade opportunities, and conducts export promotion programs, will decrease from \$66 million last year to \$52 million this year. Funding for the Market Access and Compliance Program, which monitors foreign country compliance with multilateral and bilateral trade agreements, will decrease from \$33 million last year to \$28 million this year. Funding for the U.S. Foreign and Commercial Services, which maintains databases on markets overseas and counsels U.S. firms on export opportunities, will decrease from \$199 million last year to \$194 million this year. Funding for the Export-Import Bank, which provides export financing for U.S. companies, will decrease from \$865 million last year to \$633 million this year. Funding for the International Trade Administration, whose primary goal is to expand opportunities for sales by U.S. firms in foreign markets, falls from \$364 million last year to \$361 million this year.

From where I stand, we should not be cutting back on funding for these programs. On the contrary, we should increase funds for programs designed to translate American productivity, vitality, and ingenuity into sales overseas. Unfortunately, what we see here is a policy that runs contrary to the needs of our own country, and, significantly, the policies of most countries in the global trading system. The Bush administration trade policy incorrectly assumes that market imperfections do not exist, and that assistance to firms represents interference in the way the market works. If you look around the world and examine the trade and export policies of other countries, you will see this policy is an anomaly.

If you go down the list of our trading partners anywhere in the world—be it Japan, France, Canada, Mexico, or Brazil—all consider the exports of their goods and services to be a top government priority, and, according to the U.S. Commerce Department, contribute substantial resources, both human and financial, to this goal. The most recent data available shows that the United States ranks dead last among a group of our trading partners,

measured in terms of spending on export promotion as a percentage of GDP. And these data were calculated prior to the fiscal year 2002 budget cuts by the Bush Administration. All of these countries—France, Canada, Germany, Italy, Japan, the UK, Korea, Spain, Sweden, and the Netherlands—understand that trade is not an end in and of itself, but one of the tools by which governments can raise the living standards of its people.

In his nomination testimony before the Finance Committee in January, U.S. Trade Representative Robert Zoellick stated that President Bush assigned a high priority to trade policy as part of his domestic and international agenda. He argued at that time that trade policy is important not only because it incrementally improves the economic welfare of all Americans, but also because it shapes the basic framework of the international system. Through international trade we not only export goods and services, we also export democratic values and stability.

I agree with this statement. But my concern is that the Bush Administration is committed to this kind of trade policy in rhetoric alone. Their budget for export promotion activities suggests that they are unwilling to back up their words with substance—in this case, real funding for the programs that do the work needed to help U.S. firms. From where I sit, it is essential that the United States fund these programs so American business can continue to act as an engine of growth for the country. I am convinced that there is a national economic interest, tangible and beneficial, that needs to be pursued in an effective manner by the United States. While I accept the notion of free markets, I believe there are imperfections and biases in the international trading system that necessitate a commitment of resources to trade and export policy.

President Bush has argued that he has focused on the people's priorities in his budget and put first things first. I would argue that his trade policy—the resources directed toward export promotion policy in particular—are simply another example of the fundamental flaws in his strategic goals for the country. There is still time to make a change in direction. There is still time to fund the programs that have done so much for American businesses and the American people. I urge the Administration to reconsider the funding levels for these programs, and bring them back to the appropriate level.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 7, 2001, the Federal debt stood at \$5,643,605,408,260.92. Five trillion, six hundred forty-three billion, six hundred five million, four hundred eight thousand, two hundred sixty dollars and ninety-two cents.

Five years ago, May 7, 1996, the Federal debt stood at \$5,093,910,000,000. Five trillion, ninety-three billion, nine hundred ten million.

Ten years ago, May 7, 1991, the Federal debt stood at \$3,437,531,000,000. Three trillion, four hundred thirty-seven billion, five hundred thirty-one million.

Fifteen years ago, May 7, 1986, the Federal debt stood at \$2,018,050,000,000. Two trillion, eighteen billion, fifty million.

Twenty-five years ago, May 7, 1976, the Federal debt stood at \$598,331,000,000. Five hundred ninety-eight billion, three hundred thirty-one million, which reflects a debt increase of more than \$5 trillion, \$5,045,274,408,260.92. Five trillion, forty-five billion, two hundred seventy-four million, four hundred eight thousand, two hundred sixty dollars and ninety-two cents during the past 25 years.

#### ADDITIONAL STATEMENTS

##### LIEUTENANT GENERAL DANIEL W. CHRISTMAN

• Mrs. CLINTON. Mr. President, I rise today to honor the career of an outstanding soldier and a good friend, Lieutenant General Daniel W. Christman, who is retiring after more than thirty-six years of active military service. General Christman's exemplary military career, culminating in five years as the Commanding General and Superintendent of the United States Military Academy at West Point, exemplifies the professionalism and seriousness of purpose that have helped make the U.S. military the best in the world.

Prior to his service at the United States Military Academy, General Christman had a remarkable military career for over 30 years. General Christman graduated first in his class from West Point and later taught in the Department of Social Sciences as an Assistant Professor of Economics. He has held several senior executive positions in the Army, all of which have taken advantage of his unique talents for creative leadership and strategic vision. Using his training in civil engineering, he has commanded a major U.S. Army Corps of Engineer District in Savannah Georgia and headed the Army's Engineer School in the early 1990s.

Throughout his distinguished career, General Christman has played a vital role in development and implementation of some of the most important security policy issues of the last several decades. He served in the Ford Administration as a member of the National Security Council Staff. During the Gulf War, he directed a strategic planning group which advised the Army's Chief of Staff on war prosecution policies. He represented the U.S. in Brussels, Belgium as a member of NATO's Military Committee where he had active in-

volvement in the historic expansion of NATO, pursuing peace in the Balkans and military dialogue with Russia. Immediately before arriving at West Point, General Christman served for two years as Assistant to the Chairman of the Joint Chiefs of Staff in the Pentagon. In that position he advised the Secretary of State on a broad range of issues, including arms control with Russia and Middle East peace negotiations between Israel and Syria.

General Christman's tenure as the 55th Superintendent of the U.S. Military Academy has been marked by a forward thinking strategic vision and the development of a more cooperative and positive environment at the Academy. I met with General Christman soon after I was sworn in as Senator and have been greatly impressed by his leadership at West Point. His success at obtaining critical funding support has enabled West Point to continue to attract high quality young cadets willing to embark on Army careers. He helped to raise funds for the Center for the Professional Military Ethic, as well as endowments for several academic department chairs and improved athletic facilities. He helped to inspire the creation of a dynamic and forward-looking Strategic Vision for the U.S. Military Academy 2010.

General Christman's exemplary service and devotion to duty, honor and country have left a lasting impact on the U.S. Military Academy, and indeed the U.S. Army. His numerous awards reflect the respect and admiration of those who have had the privilege to serve with him. I join my fellow Senators in wishing General Christman the best of luck in his future endeavors and my sincerest gratitude for his distinguished service to his country.●

##### TRIBUTE TO LIEUTENANT GENERAL DANIEL W. CHRISTMAN

• Mr. REED. Mr. President, I rise to recognize the outstanding service to our nation of Lieutenant General Daniel William Christman, the 55th Superintendent of the United States Military Academy. On June 30, 2001, General Christman will retire from the United States Army after an outstanding career of more than 36 years of service in peace and in war to the Army and the Nation.

General Christman is a modern model of the soldier-scholar. After graduating first in his class from West Point in 1965, then young second Lieutenant Christman traveled to Fort Benning to undertake the Ranger Course. He then served as a Platoon Leader and later as a Commander in the 2d Infantry Division, Korea. In 1969, he commanded a company in the 101st Airborne Division in Vietnam.

Returning from combat, General Christman went on to distinguish himself in numerous command and staff positions with U.S. Forces, both overseas and in the Continental United States. In Europe, his assignments in-

cluded serving as the 19th U.S. Representative to the NATO Military Committee in Brussels, Belgium, and Commander of the 54th Engineer Battalion in Wildflecken, Germany.

General Christman's key command positions included service as the Commanding General of the U.S. Army Engineer Center and Commandant of the U.S. Army Engineer School at Fort Leonard Wood, Missouri, and Commander of the Savannah District, U.S. Army Corps of Engineers in Savannah, Georgia.

General Christman occupied senior executive positions in Washington, D.C. which required creative leadership and strategic vision. He served as a Staff Assistant with the National Security Council during the Ford Administration, and as Assistant to the U.S. Attorney General for National Security Affairs in the Reagan Administration. General Christman was the Director of Strategy, Plans and Policy at the Department of Army Headquarters. In this capacity, he supported negotiations relating to the Conventional Forces in Europe arms control talks between NATO and the Warsaw Pact on behalf of the Chief of Staff of the Army and the Chairman of the Joint Chiefs of Staff. He also served as Assistant to General Shalikashvili, Chairman of the Joint Chiefs of Staff advising the Secretary of State on a broad range of military and national security issues such as arms control with the Russian Federation and the Middle East peace negotiations between Israel and Syria.

Over the years, General Christman also found time to continue his own education. He earned a Masters Degree in Civil Engineering and a Masters Degree in Public Administration from Princeton University, and holds a Law Degree from George Washington University.

For his service, General Christman has received, among others, the Defense Distinguished Service Medal, the Army Distinguished Service Medal, the Defense Superior Service Medal, Legion of Merit, Bronze Star Medal, Merit Service Medal and the Air Medal.

General Christman has made many valuable contributions to our nation and the Army, but I believe that he has left his most indelible mark on the United States Military Academy, the institution where he began, and will soon end his Army career. After his graduation, General Christman first returned to his alma mater in 1970 as an Instructor, and later Assistant Professor in the Department of Social Sciences. Then in 1996, General Christman undertook his last assignment as Superintendent. For the past five years, he charted the course for officer education into the new century.

Under his guidance, the Academy crafted a new mission statement, strategic vision, and a new public funding paradigm to enable the institution to compete and excel in an era of transformation. His assessment of current needs and insight of future possibilities

has resulted in a revised academic curriculum and an increased focus on the profession of officership. From the outset, General Christman sought the insight of Academy graduates and the neighboring community, where appropriate, to give these groups a closer identification with his decisions.

A consummate professional, General Christman's dedication to excellence and his unsurpassed devotion to duty, honor, and country have marked his distinguished service over the last 36 years. His service reflects a deep commitment to West Point, the Army, and our nation. I ask my colleagues to join me in thanking General Christman for his honorable service to the citizens of the United States of America. I wish him, his wife Susan, and their children, continued success and happiness in all their future endeavors.●

#### RETIREMENT OF RONALD CARL CASNER OF McVEY TOWN, PA

● Mr. SANTORUM. Mr. President, I rise today to recognize Mr. Ronald Carl Casner of McVeytown, PA, as he retires as Vice-President from Omega National Bank after 42 years. He has given a great deal of time and energy to his profession, and has ensured a trustworthy banking service to his customers for many years. On June 30, 2001, he will bring his lengthy and accomplished career to a close, and I commend him for the many years of service he has provided to his community.

Mr. Casner was born February 7, 1936 in Lewistown, PA. After he graduated from high school, he served in the United States Marine Corps from 1954–1958. Upon his return to the United States from his military service, Ronald became employed at the former Penn Central National Bank, located in Mount Union and Huntingdon, PA. When Mr. Casner retires in June, he will retire as Vice-President of what is now Omega National Bank.

Mr. Casner is a member of the McVeytown United Methodist Church, serves on the Church's Board of Trustees, is an avid sportsman, and is a member of the Loyal Order of the Moose. His involvement in these civic organizations displays Mr. Casner's dedication both as a professional and in the community. Ronald and his wife, Anna, have two daughters, one grandson and one granddaughter.

I ask my colleagues to join with me in recognizing Mr. Ronald Casner for the many years he has given to his community. May his retirement be filled with health, happiness and memorable times with family and friends for many years to come.●

#### LEON HIGH SCHOOL BAND

● Mr. GRAHAM. Mr. President, I am pleased to have this opportunity to honor the outstanding history of the Leon High School Band in Tallahassee, Florida. Now in its 61st year, Leon

High School Band's tradition of distinction is second only to the academic and personal integrity of its members.

Officially organized in 1940, Leon Band and its colorful history remain a source of great pride for everyone involved with the program. During those early years, the "Marching Redcoats" took the field at the 1946 Orange Bowl in Miami, Florida, attended the Cherry Blossom Festival in Washington, D.C. and was proclaimed the official band of the State of Florida. The honors, acclaim and achievements, however, did not stop there; the band visited Mexico in 1974 to enter the Festival of Bands and toured Austria for the International Music Festival in 1977.

More recently, under the direction of Timothy Paul, the Leon High Band has continued its quest for excellence. Not only have they won the Sudler Order of Merit for Historical Bands, but in December, 2000, the band was presented with the prestigious Sulder Flag of Honor, an international award honoring musical expertise. Individually, band members consistently attain superior ratings in district and state competition. The grand tradition of the Leon High School Band continues and richly deserves our commendation and recognition.●

#### SEARCHING FOR SEQUOYAH

● Mr. INHOFE. Mr. President, today I would like to recognize a family that has dedicated much time and energy into preserving its Cherokee heritage. Dr. Charles Rogers of Brownsville, TX, his wife Sheron, his son, George Charles Sherson, and his mother, Mary Layton Rogers, have traveled to Mexico in search of the grave of the famous Cherokee, Sequoyah.

Sequoyah is credited with inventing a writing system for the Cherokees by making symbols which form words. As a result of this syllabary, thousands of Cherokees became literate. In recognition of his monumental contribution, the Cherokee Nation awarded him a silver medal, along with a lifetime literary pension.

Sequoyah was born in Tennessee, in 1776, to Nathaniel Gist, a Virginia fur trader, and Wut-teh, the daughter of a Cherokee Chief. He also lived in Georgia, Alabama and Arkansas before moving to Oklahoma, where he lived until 1842. He then set out to find the Chickamauga Cherokees, who had moved to Mexico. He died the following year in Mexico, but the exact location of his grave has remained unknown.

Dr. Rogers and his family, who come from a long line of Cherokees themselves, have searched extensively for Sequoyah's grave. Their efforts may have paid-off as they believe they have found the burial site in a rock-covered cave near the "lost-village" of Sequoyah. Epic and Gloria Rodriguez of Mexico, whose ancestors helped Sequoyah and other Cherokees, directed the Rogers to the location. The Rogers' intent is not to return the re-

mains of Sequoyah to Oklahoma, but to recognize his grave in order to preserve the richness of the Cherokee heritage.

I hope you will join me today in honoring Sequoyah, for his contribution to the Cherokee people, as well as the Rogers family, for their work to preserve the legacy of this Cherokee hero.●

#### TRIBUTE TO PAGE GROTON

● Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life and legacy of Page Groton. He was a native of Baltimore who served his country with pride.

Page Groton spent his career working to improve the lives of working men and women. He played an important role in America's labor movement. He understood why unions are so important. He put his values into action.

Page enjoyed a long career as a trade union member, leader and lobbyist. He began working in Baltimore as a member of the Civilian Conservation Corps before becoming an electrician at a shipyard in Pennsylvania. Page answered his country's call to duty by joining the Navy in the Pacific during World War II.

After returning to the shipyard when the war ended, Page was elected union president of his boilermakers local. In 1962, Page Groton moved to Washington and became vice president of the International Brotherhood of Boilermakers Union. Once in Washington, Page found the time to share his knowledge of labor issues with students from the University of Wisconsin School for workers. He finished his career as a lobbyist for the Metal Trades Department of the AFL-CIO.

I am so grateful for Page's friendship and support. In 1986, I found myself in a tough Senate primary campaign against two good friends of mine: Congressman Mike Barnes of Montgomery County, and Governor Harry Hughes of Maryland. Page was instrumental in helping the statewide AFL-CIO to know me.

Page Groton's life is an example of dedication to a cause higher than oneself. His legacy is his family, as well as an ethic of service that Americans and Marylanders may follow with pride. His beloved wife Mayrene Williams Groton and their two children, seven grandchildren, and five great grandchildren are in my thoughts and prayers.●

#### RETIREMENT OF A. REID LEOPOLD, JR., MD, OF LEWISTOWN, PA

● Mr. SANTORUM. Mr. President, today I would like to recognize A. Reid Leopold, Jr., MD, an accomplished physician from the great Commonwealth of Pennsylvania who will be retiring on June 30, 2001. Dr. Leopold has dedicated his entire professional life to improving the health and well-being of others in our communities.

Dr. Leopold was born October 7, 1931 in Lewistown, PA. A graduate of Lewistown High School, he studied for four years at Bucknell University in Lewisburg, PA before moving on to study medicine at Pittsburgh Medical School. In addition to practicing medicine for 43 years, Dr. Leopold served his country in the United States Navy for two years and served as Mifflin County Coroner from 1964 to 1996.

A member of St. John's Lutheran Church in Lewistown, Dr. Leopold is married to the former Karen Doyle, and has two daughters, three sons, two step-daughters and eight grandchildren. Also a sports enthusiast, Dr. Leopold can often be found spending his free time boating and fishing in Lake Raystown.

Dr. Leopold has been an outstanding member of the Lewistown community, and has provided his friends and neighbors with quality healthcare for many, many years. I congratulate him on his retirement and hope that he is blessed with many years of relaxation and enjoyment with friends and family.

I ask my Senate colleagues to join with me in recognizing the contributions that Dr. Leopold has made to the medical profession and to improving the lives of others. May his retirement be filled with health, happiness and memorable times with family and friends for many years to come.●

#### 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 nomination received today are printed at the end of the Senate proceedings.)

#### 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-1751. A communication from the Acting President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000 and the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-1752. A communication from the Chairwoman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Budget Request and Annual Performance Plan for Fiscal Year 2002; the Annual Performance Plan for Fiscal Year 2001; the Annual Performance Report for Fiscal

Year 2000; to the Committee on Governmental Affairs.

EC-1753. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Ozone; Beaumont/Port Arthur Ozone Nonattainment Area" (FRL6976-1) received on May 3, 2001; to the Committee on Environment and Public Works.

EC-1754. A communication from the Acting Administrator of the General Service Administration, transmitting, a report relative to an alteration prospectus for the Federal Trade Commission building in Washington, DC; to the Committee on Environment and Public Works.

EC-1755. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (OK-025-FOR) received on May 7, 2001; to the Committee on Energy and Natural Resources.

EC-1756. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Missouri Regulatory Program" (MO-033-FOR) received on May 7, 2001; to the Committee on Energy and Natural Resources.

EC-1757. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Application of sections 23A and 23B of the Federal Reserve Act to Derivative Transactions with Affiliates and Intraday Extensions of Credit to Affiliates" (R-1104) received on May 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1758. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment, articles, and services sold commercially under a contract in the amount of \$14,000,000 or more to Spain; to the Committee on Foreign Relations.

EC-1759. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-1760. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC-1761. 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 "Weighted Average Interest Rate Update" (Not. 2001-32) received on April 28, 2001; to the Committee on Finance.

EC-1762. 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 "BLS-LIFO Department Store Indexes—March 2001" (Rev. Rul. 2001-23) received on April 28, 2001; to the Committee on Finance.

EC-1763. 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 "Forward Triangular Merger Followed by a Stock Drop Down" (Rev. Rul. 2001-24, -22) received on May 3, 2001; to the Committee on Finance.

EC-1764. 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 "Reverse Triangular Merger Followed by an Asset Sale" (Rev. Rul. 2001-25, -22) received on May 7, 2001; to the Committee on Finance.

EC-1765. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Germany, Italy, and Spain because of BSE" (Doc. No. 01-008-1) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1766. A communication from the Acting Administrator of the 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.; Final Free and Restricted Percentages for the 2000-2001 Crop Year for Tart Cherries" (Doc. No. FV01-930-2) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1767. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Honey Research, Promotion, and Consumer Information Order" (RIN0581-AB84) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1768. A communication from the Acting Administrator of the 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.; Suspension of Provisions under the Federal Marketing Order for Tart Cherries" (Doc. No. FV00-930-6) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1769. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones; Final Rule" ((RIN2120-AG74)(2001-0003)) received on April 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1770. A communication from the Attorney-Advisor of the General and International Law Division, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Audit Appeals; Policy and Procedure" (RIN2133-AB42) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1771. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (25)" ((RIN2120-AA65)(2001-0027)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1772. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Commuter Operations and

General Certification and Operations Requirements; technical amdt.” (RIN2120-ZZ34) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1773. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Service Difficulty Reports; Delay of Effective Date” ((RIN2120-AF71)(2001-0001)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1774. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Emergency Exits” (RIN2120-ZZ33) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1775. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Airworthiness Directives: Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes” ((RIN2120-AA64)(2001-0188)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1776. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Airworthiness Directives: Cessna Model 750 Airplanes” ((RIN2120-AA64)(2001-0189)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1777. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 767 Series Airplanes Powered by GE or P&W Engines” ((RIN2120-AA64)(2001-0190)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1778. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Airworthiness Directives: Saab 2000 Series Airplanes” ((RIN2120-AA64)(2001-0191)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1779. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737-600, -700, -800, and -700C Series Engines” ((RIN2120-AA64)(2001-0192)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1780. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes Equipped with P&W Model PW4400 Series Engines” ((RIN2120-AA64)(2001-0193)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1781. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Amendment to Class E Airspace; Bassett, NE; Correction and Confirmation of Effective Date” ((RIN2120-AA66)(2001-0078)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1782. A communication from the Program Analyst of the Federal Aviation Ad-

ministration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Molokai, HI” ((RIN2120-AA66)(2001-0079)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1783. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Airworthiness Directives: Dornier Model 328-100” ((RIN2120-AA64)(2001-0187)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1784. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A319 and A320 Series Airplanes Equipped with Elevator and Aileron Computer L80 Standards” ((RIN2120-AA64)(2001-0186)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1785. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled “Emergency Medical Equipment” (RIN2120-AG89) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1786. A communication from the Associate Bureau Chief, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Access Charge Reform, Seventh Report and Order” ((FCC01-146)(Doc. No. 96-262)) received on May 7, 2001; to the Committee on Commerce, Science, and Transportation.

#### 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. BIDEN (for himself and Mr. MCCONNELL):

S. 840. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 841. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Finance.

By Mr. FEINGOLD:

S. 842. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 843. A bill to provide assistance to States to expand and establish drug abuse

treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING:

S. 844. 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 qualified placement agencies; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS):

S. 845. A bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource; to the Committee on Finance.

By Mr. DURBIN:

S. 846. A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN:

S. Res. 83. A resolution referring S. 846 entitled “A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois” to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 84. A resolution to authorize representation by the Senate Legal Counsel in *Timothy A. Holt v. Phil Gramm*; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 41

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 381

At the request of Mr. ALLARD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers’ and Sailors’ Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 394

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 394, a bill to make an urgent supplemental appropriation for fiscal year 2001 for the Department of Defense for the Defense Health Program.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 452, a bill to amend title

XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 488

At the request of Mr. ALLEN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable education opportunity tax credit.

S. 500

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 540

At the request of Mr. DEWINE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 549

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 677

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) 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. 681

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr.

SMITH, of Oregon) was added as a cosponsor of S. 681, a bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land.

S. 697

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. BAUCUS, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 697, supra.

S. 772

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 772, a bill to permit the reimbursement of the expenses incurred by an affected State and units of local government for security at an additional non-governmental property to be secured by the Secret Service for protection of the President for a period of not to exceed 60 days each fiscal year.

S. 778

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 797

At the request of Mr. GRAMM, the name of the Senator from Florida (Mr. NELSON, of Florida) was added as a cosponsor of S. 797, a bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for associations which prepare for or mitigate the effects of natural disasters.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) 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. 830

At the request of Mr. CHAFEE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 837

At the request of Mr. BOND, the name of the Senator from Oklahoma (Mr.

NICKLES) was added as a cosponsor of S. 837, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. RES. 75

At the request of Mr. HUTCHINSON, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 75, a resolution designating the week beginning May 13, 2001, as "National Biotechnology Week."

AMENDMENT NO. 356

At the request of Mr. CORZINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 356 intended to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 378

At the request of Mrs. MURRAY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of amendment No. 378, supra.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. MCCONNELL):

S. 840. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, in "The Federalist No. 3," John Jay wrote that "[a]mong the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first." Such is the importance that our nation historically has placed on the maintenance of law and order. And our law enforcement officers, whom our country has charged with carrying out this primary responsibility, shoulder a weighty, and often times dangerous, burden. In 1999 alone, one hundred and thirty-four law enforcement officers fell in the line of

duty, making the ultimate sacrifice to protect our communities.

While most Americans are aware that their police officers work in a dangerous environment, many Americans do not know that in enforcing the laws that exist to protect us all, these officers, themselves, often are denied basic legal protections in internal investigations and administrative hearings and are penalized for exercising their free speech and associational rights. They live in fear of being investigated without notice, interrogated without an attorney, and dismissed without a hearing, often times at the behest of some recently arrested criminal looking for a payback. In short, many officers do not enjoy the same basic due process and First Amendment rights as does the criminal element from which they are trying to protect us.

According to the National Association of Police Organizations, Inc., NAPO, “[i]n roughly half of the states in this country, officers enjoy some legal protections against false accusations and abusive conduct, but hundreds of thousands of officers have very limited due process and First Amendment rights and confront limitations on their exercise of those and other rights.” And according to the Fraternal Order of Police, FOP, “[i]n a startling number of jurisdictions throughout this country, law enforcement officers have no procedural or administrative protections whatsoever; in fact, they can be, and frequently are, summarily dismissed from their jobs without explanation. Officers who lose their careers due to administrative or political expediency almost always find it impossible to find new employment in public safety. An officer’s reputation, once tarnished by accusation, is almost impossible to restore.” In short, a trumped-up charge against a police officer can result in a lifetime sentence of a damaged career and reputation.

It is time for our Nation to end this sorry situation. We must make sure that every member of law enforcement, in every jurisdiction in the country, is able to participate in the political process without fear of retaliation and is able to do his or her job without wondering whether they can defend themselves if their performance is scrutinized. To this end, I am proud to rise today with Senator BIDEN to introduce the “Law Enforcement Discipline, Accountability, and Due Process Act of 2001.” This bill would guarantee due process rights to every police officer who is subject to investigation for non-criminal disciplinary action, and it would protect them from retribution on the job for participating in the political process while off the job. Some of these protections are: the right to be informed of administrative charges prior to being questioned; the right to be advised of the results of an investigation; the right to a hearing, as well as an opportunity to respond; and the right to be represented by counsel or another representative.

While this bill would protect the men and women who serve on the front lines of our nation’s war against crime, it would not do so at the cost of citizen accountability. Just the opposite. It would strengthen the ability of individual citizens to hold accountable those few officers who misuse their authority. Specifically, as NAPO notes, “[o]ften police departments lack any guidelines and procedures for handling and investigating complaints, thus raising doubts about officer accountability.” This bill will fill that void and thereby go a long way to dispelling such doubts. By establishing, as the FOP observes, “an effective means for the receipt, review and investigation of public complaints against law enforcement officers that is fair and equitable to all parties,” this bill ensures that legitimate citizen complaints against police officers will be actively investigated and that citizens will be informed of the progress and outcome of those investigations. It thus strikes an appropriate balance: the bill makes sure that every police officer has basic fundamental procedural rights, while at the same time ensuring that citizens have the opportunity to raise legitimate complaints and concerns about police officer conduct.

This legislation is the product of much hard work and continual refinements by leading law enforcement groups, most notably the FOP and the NAPO. They have both strongly endorsed it, and, like Senator BIDEN and me, will work hard for its enactment. Over the years, Senator BIDEN and I, in conjunction with these groups, have made similar efforts to protect the men and women who protect us. While we have not yet been successful, we remain undeterred and will continue working toward our goal. The time has come to give our law enforcement officers the basic and fundamental rights that they desperately deserve. We urge our colleagues to join us in this very worthy effort.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 841. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Mental Illness Non-Discrimination Act with my colleague on the Finance Committee, Senator JOHN KERRY.

In brief, my bill would correct a serious disparity in payment for treatment of mental disorders under Medicare law. Medicare beneficiaries typically pay 20 percent coinsurance for most outpatient services, including doctor’s visits. Medicare pays the remaining 80 percent. But for treatment of mental disorders, Medicare law requires patients pay 50-percent coinsurance. Under my bill, patients seeking outpatient treatment for mental ill-

ness would pay the same 20 percent coinsurance required of Medicare patients seeking treatment for any other illnesses.

Let’s look at this issue in another way. If a Medicare patient has an office visit for treatment for cancer or heart disease, the patient is responsible for 20 percent of the doctor’s fee. But if a Medicare patient has an office visit with a psychiatrist, psychologist, social worker, or other professional for treatment for depression, schizophrenia, or any other condition diagnosed as a mental illness, the co-insurance for the outpatient visit for treatment of the mental illness is 50 percent. What sense does this make?

Indeed, my bill has a larger purpose, to help end an outdated distinction between physical and mental disorders, and ensure that Medicare beneficiaries have equal access to treatment for all conditions.

Perhaps this disparity would matter less if mental disorders were not so prevalent. But the Surgeon General has told us otherwise. The importance of access to treatment for mental disorders is emphasized in a landmark report on mental health released by the Surgeon General in 1999. The Surgeon General reported mental illness was second only to cardiovascular diseases in years of healthy life lost to either premature death or disability. And the occurrence of mental illness among older adults is widespread. Upwards of 20 percent of older adults in the community and an even higher percentage in primary care settings experience symptoms of depression. Older Americans have the highest rate of suicide in the country, and the risk of suicide increases with age. Untreated depression among the elderly substantially increases the risk of death by suicide.

There is another sad irony. While Medicare is often viewed as health insurance for people over age 65, Medicare also provides health insurance coverage for people with severe disabilities. The single most frequent cause of disability for Social Security and Medicare benefits is mental disorders—affecting almost 1.4 million of 6 million Americans who receive Social Security disability benefits. Yet, at the same time, Medicare pays less for critical mental health services needed by these beneficiaries than if they had a non-mental disorder.

But there is also the very good news that there are increasingly effective treatments for mental illnesses. With proper treatment, the majority of people with a mental illness can lead productive lives. Yet because of fears of stigma and a lack of understanding of mental disorders, too often mental disorders go untreated. Our payment policies should not provide another barrier to access to care.

I urge my colleagues to join with me to bring Medicare payment policy for mental disorders into the 21st century.

Mr. KERRY. Mr. President, I am pleased to join my colleague Senator

SNOWE in introducing the Medicare Mental Illness Non-Discrimination Act. This legislation will establish mental health care parity in the Medicare program.

Medicare currently requires patients to pay a 20 percent co-payment for all Part B services except mental health care services, for which patients are assessed a 50 percent co-payment. Thus, under the current system, if a Medicare patient sees an endocrinologist for diabetes treatment, an oncologist for cancer treatment, a cardiologist for heart disease treatment or an internist for treatment of the flu, the co-payment is 20 percent of the cost of the visit. If, however, a Medicare patient visits a psychiatrist for treatment of mental illness, the co-payment is 50 percent of the cost of the visit. This disparity in outpatient co-payment represents blatant discrimination against Medicare beneficiaries with mental illness.

The prevalence of mental illness in older adults is considerable. According to the U.S. Surgeon General, 20 percent of older adults in the community and 40 percent of older adults in primary care settings experience symptoms of depression, while as many as one out of every two residents in nursing homes are at risk of depression. The elderly have the highest rate of suicide in the United States, and there is a clear correlation between major depression and suicide: 60 to 70 percent of suicides among patients 75 and older have diagnosable depression. In addition to our seniors, 400,000 non-elderly disabled Medicare beneficiaries become Medicare-eligible by virtue of severe and persistent mental disorders. To subject the mentally disabled to discriminatory costs in coverage for the very conditions for which they became Medicare eligible is illogical and unfair.

There is ample evidence that mental illness can be treated. Unfortunately, among the general population, those in need for treatment often do not seek it because they are ashamed of their condition. Among our Medicare population, the mentally ill face a double burden: not only must they overcome the stigma about their illness, but once they seek treatment they must pay one-half of the cost of care out of their own pocket. The Medicare Mental Illness Non-Discrimination Act will eliminate the 50 percent co-payment for mental health care services. By applying the same 20 percent co-payment rate to mental health services to which all other outpatient services are subjected, the Medicare Mental Illness Non-Discrimination Act will bring parity to the Medicare program and improve access to care for our senior and disabled beneficiaries who are living with mental illness.

By Mr. FEINGOLD:

S. 842. Bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall

be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Public Safety Act. This bill will prohibit the placement of Federal prisoners in facilities run by private companies and deny specified Federal funds to State and local governments that contract with private companies to manage their prisons. Incarceration, or the deprivation of a person's liberty, is the penultimate control a State exercises over its citizens. That authority should not be delegated to any private, for-profit entity. We must restore responsibility for public safety and security to our Federal, state and local governments.

As our nation has confronted prison overcrowding in recent years, private companies have stepped in to help communities address this issue by claiming they could alleviate bed shortages and manage prisons more cost effectively than governments. But private companies and governments do not share the same goals with respect to corrections. Federal, State and local governments are motivated by public safety and justice, while private companies are motivated by a desire to cut costs and make a profit. Today, some 120,000 of our nation's 2 million total jail and prison beds are provided by private for-profit companies. As reports of escapes, riots, prisoner violence, lack of adequate medical care and abuse by staff in private prisons abound, many have begun to question the wisdom and propriety of delegating this essential government function to private companies.

At a prison in Youngstown, OH run by a private company, 20 inmates were stabbed, two fatally, within a ten month period shortly after the prison opened in May 1997. After the company claimed it had addressed the problem, six inmates, four of them murderers, cut a hole in a fence during recreation time and escaped in broad daylight. A report released in 1998 by the U.S. Department of Justice cited inexperienced and poorly trained officers and resulting excessive use of force at this Youngstown facility. The Justice Department also noted that the company failed to recognize its responsibilities as a correctional service provider and its reluctance to accept blame for the unconstitutional conditions of confinement at the prison. In 1999, the prison company paid \$1.65 million to settle a class action lawsuit brought by inmates who complained that, among other things, the prison provided inadequate medical care and that guards were abusive.

Unfortunately, the problems that plague the Youngstown facility are not unique. A private prison in Whiteville, TN, which houses many inmates from my home state of Wisconsin, has experienced a hostage situation, an assault of a guard, and a coverup to hide physical abuse of inmates by guards. A security inspection found that this facil-

ity, run by a private prison corporation, had unsecured razors, obstructed views into individual cells, and an unsupervised inmate using a computer lab labeled "staff only."

Proponents of prison privatization claim that private prison operators save taxpayers money. But this has never been confirmed. In fact, two government studies raise significant doubt about whether private prisons save money. One study conducted by the GAO stated that there is a lack of "substantial evidence that savings have occurred" due to prison privatization. A second study completed by the Federal Bureau of Prisons arrived at the same result: there is no strong evidence to show that States save money by using private prisons.

Private prison companies are guided by the same business principles as other corporations. Their goal is to make a profit and, in turn, please officers and shareholders. This profit motive is inappropriate when the safety and security of guards and our communities are threatened by prison violence and escapees.

Unfortunately, we have seen this cost-cutting turn into cutting corners on public safety. Cutting corners means hiring unqualified and untrained corrections personnel, as well as understaffing facilities. Furthermore, when prison riots break out or inmates escape, these costs are not cut but instead are shifted to the taxpayers, who must foot the bill for U.S. Marshals, sheriffs or local police or other officials to step in and clean up the mess.

Private prison corporations make money when they house more inmates and provide fewer services. The result is that prisoners are deprived of the rehabilitation, education, and training that make it less likely that they will commit more crimes after they have served their time. This drive to keep "beds filled" is especially troubling because it adversely affects our nation's African American community, which is already over-represented in the prison system.

The legislation I introduce today, The Public Safety Act, addresses these concerns. It prohibits the Federal government from delegating responsibility for incarceration of inmates to private entities. The bill also conditions Federal prison funds to states upon their agreement to retain responsibility for the incarceration of inmates and not contract out this solemn responsibility to private companies. Governments may contract with private vendors to provide auxiliary services such as food or clothing, but governments would be prohibited from contracting out the core correctional responsibility of housing, safeguarding, protecting or disciplining inmates.

Correctional officers have joined together with other government employee groups and criminal justice activists to support this legislation. The bill's supporters include the American Federation of State, County and Municipal Employees, AFSCME, the

American Federation of Government Employees, AFGE, the International Union of Police Associations, the Fraternal Order of Police and the American Civil Liberties Union.

Let us restore safety and security to the many Americans who work in prisons. Let us protect the communities that support prisons. And let us ensure the rehabilitation and safety of the individuals housed there so that they may return to society as productive law-abiding citizens. I urge my colleagues to join me in support of the Public Safety Act.

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:

S. 842

*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 "Public Safety Act".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) The issues of safety, liability, accountability, and cost are the paramount issues in running corrections facilities.

(2) In recent years, the privatization of facilities for persons previously incarcerated by governmental entities has resulted in frequent escapes by violent criminals, riots resulting in extensive damage, prisoner violence, and incidents of prisoner abuse by staff.

(3) In some instances, the courts have prohibited the transfer of additional convicts to private prisons because of the danger to prisoners and the community.

(4) Frequent escapes and riots at private facilities result in expensive law enforcement costs for State and local governments.

(5) The need to make profits creates incentives for private contractors to underfund mechanisms that provide for the security of the facility and the safety of the inmates, corrections staff, and neighboring community.

(6) The 1997 Supreme Court ruling in *Richardson v. McKnight* that the qualified immunity that shields State and local correctional officers does not apply to private prison personnel, and therefore exposes State and local governments to liability for the actions of private corporations.

(7) Additional liability issues arise when inmates are transferred outside the jurisdiction of the contracting State.

(8) Studies on private correctional facilities have been unable to demonstrate any significant cost savings in the privatization of corrections facilities.

(9) The imposition of punishment on errant citizens through incarceration requires State and local governments to exercise their coercive police powers over individuals. These powers, including the authority to use force over a private citizen, should not be delegated to another private party.

#### SEC. 3. ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—To be eligible to receive a grant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994, an applicant shall provide assurances to the Attorney General that if selected to receive funds under such subtitle the applicant shall not contract with a private contractor or vendor to provide core correctional services related to the incarceration of an inmate.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to grant funds received after the date of enactment of this Act.

(c) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall not apply to a contract in effect on the date of the enactment of this Act between a grantee and a private contractor or vendor to provide core correctional services related to correctional facilities or the incarceration of inmates.

(2) RENEWALS AND EXTENSIONS.—Subsection (a) shall apply to renewals or extensions of an existing contract entered into after the date of the enactment of this Act.

(d) DEFINITION.—For purposes of this section, the term "core correctional service" means the housing, safeguarding, protecting, and disciplining of persons charged or convicted of an offense.

#### SEC. 4. ENHANCING PUBLIC SAFETY AND SECURITY IN THE DUTIES OF THE BUREAU OF PRISONS.

Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7);

(2) by striking "and" at the end of paragraph (4); and

(3) by inserting after paragraph (4) the following:

"(5) provide that any penal or correctional facility or institution except for nonprofit community correctional confinement, such as halfway houses, confining any person convicted of offenses against the United States, shall be under the direction of the Director of the Bureau of Prisons and shall be managed and maintained by employees of Federal, State, or local governments;

"(6) provide that the housing, safeguarding, protection, and disciplining of any person charged with or convicted of any offense against the United States, except such persons in community correctional confinement such as halfway houses, will be conducted and carried out by individuals who are employees of Federal, State, or local governments; and".

By Mrs. BOXER:

S. 843. A bill to provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse; to the committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I am introducing the Treatment on Demand Assistance Act to help ensure that substance abuse treatment is available to all substance abusers who seek it.

According to the Department of Health and Human Services, each year drug and alcohol related abuse kills more than 120,000 Americans. In 1999, an estimated 14.8 million Americans were illicit drug users, with nearly 5 million of them addicted to drugs.

Drugs and alcohol abuse costs taxpayers nearly \$276 billion annually in preventable health care costs, extra law enforcement, auto crashes, crime and lost productivity.

Additionally, the detrimental effect of substance abuse manifests itself in numerous ways. For instance, substance abuse is often the root behind family violence and other criminal activity.

Even more devastating is that according to the Centers for Disease Con-

trol and Prevention, CDC, drug injections are one of the most common modes of transmission of the AIDS virus.

In an effort to combat this problem, before stepping down as America's Drug Czar, General Barry McCaffrey outlined in his final report that the prescription for solving America's drug problem was: "prevention coupled with treatment accompanied by research."

Despite the recognition that substance abuse treatment should be on the Nation's agenda, there is still a large gap between those in need of drug treatment and the availability of treatment programs. Thus, when substance abusers finally do seek treatment, they are often turned away because of long waiting lists.

The numbers are shocking. While some substance abusers are not seeking treatment, many are, and are being turned away. In California, for example, 60 percent of all facilities that maintain a waiting list have an average of 23 people on their list on any given day.

Nationwide, there are over 5 million substance abusers, yet less than half are receiving treatment for their drug problems, leaving over 2.8 million people in need of treatment. This is unacceptable.

In order to address this problem, I strongly believe that along with increased funding for law enforcement, especially those proven programs run in jails and prisons, it is also necessary to provide additional funding for treatment programs. Indeed, I believe that enforcement and treatment are critical elements of an effective comprehensive drug control policy.

To meet that goal, however, will require additional investment. Through the Substance Abuse Mental Health Services Administration, SAMHSA, the Federal Government currently provides over \$2 billion to states and local entities for drug treatment programs, and total Federal spending in this area is just over \$3 billion. Yet, this is not enough to get people the help they need when they need it.

For this reason, I am introducing the Treatment on Demand Assistance Act. Congressman Cal Dooley will introduce a companion measure in the House.

My bill would double the Federal government's funding for drug treatment over five years, to \$6 billion in fiscal year 2006.

Current treatment on demand programs focus on the specific drug abuse needs of the local community. For instance, in San Francisco and California's Central Valley, methamphetamine abuse is especially problematic and continues to be on the rise. In other cities, cocaine abuse or marijuana is the drug of choice. Treatment programs should be targeted to address these local epidemics.

That is why the additional funding in this bill is provided through SAMHSA's Center for Substance Abuse Treatment and gives the Center the flexibility to

target funds where they are needed most. Of the \$3 billion in additional funding set aside, 50 percent is provided in the form of formula grants to States, and 50 percent is reserved for direct grants to treatment centers.

The Treatment on Demand Assistance Act would also reward states that have instituted a policy of providing substance abuse treatment to non-violent drug offenders as an alternative to prison, as California recently did with the enactment of Proposition 36. The bill authorizes \$250 million per year for five years to provide matching grants to states. These funds could be used to help pay for treatment as well as to provide other elements of a comprehensive anti-drug abuse program for non-violent offenders, including drug testing, drug courts and probation services.

In order to ensure that the funding is being effectively distributed, the bill would require the General Accounting Office to monitor the program during the 2nd and 4th year of the grant programs.

Already, there is a groundswell of interest in this bill, with over 100 organizations from both the treatment and law enforcement community actively supporting it. If groups as diverse as the California Sheriff's Association, the California Public Defenders Association and the National Association of Social Workers can come together, then surely we can find the funding necessary to invest in substance abuse treatment. Recent studies indicate that for every additional dollar invested in substance abuse treatment taxpayers would save \$7.46 in societal costs. Clearly, such an investment is worthwhile, and I urge my colleagues to support treatment on demand.

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

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

S. 843

*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 "Treatment on Demand Assistance Act".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Department of Health and Human Services, each year drug and alcohol related abuse kills more than 120,000 Americans.

(2) In 1999, an estimated 14,800,000 Americans were current illicit drug users.

(3) States across the country are faced with increasing demands for drug treatment programs.

(4) In addition, methamphetamine abuse continues to be on the rise. Methamphetamine abuse accounts for 5.1 percent of all treatment admissions, which was the fourth highest percentage after cocaine, heroin, and marijuana.

(5) Current statistics show that methamphetamine use is increasing rapidly especially among the nation's youth.

(6) There are over 2,800,000 substance abusers in America in need of treatment.

(7) This number exceeds the 2,137,100 persons receiving treatment.

(8) Recent reports indicate that every additional dollar invested in substance abuse treatment saves taxpayers \$7.46 in societal costs.

(9) In California, the average cost to taxpayers per inmate, per year, is \$23,406 versus the national average cost of \$4,300 for a full treatment program.

(10) Drugs and alcohol cost taxpayers nearly \$276,000,000,000 annually in preventable health care costs, extra law enforcement, auto crashes, crime and lost productivity versus \$3,100,000,000 appropriated for substance abuse-related activities in fiscal year 2000.

(11) Nationwide, 59 percent of police chiefs believe that drug offenders are served better by participation in treatment programs versus prisons only.

(12) Current treatment on demand programs such as those in San Francisco and Baltimore focus on the specific drug abuse needs of the local community and should be encouraged.

(13) Many States have developed programs designed to treat non-violent drug offenders and this should be encouraged.

(14) Drug treatment prevention programs must be increased in order to effectively address the needs of those actively seeking treatment before they commit a crime.

#### SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) assist individuals who seek the services of drug abuse treatment programs by providing them with treatment on demand;

(2) provide assistance to help eliminate the backlog of individuals on waiting lists to obtain drug treatment for their addictions;

(3) enhance public safety by reducing drug-related crimes and preserving jails and prison cells for serious and violent criminal offenders;

(4) complement the efforts of law enforcement by providing additional funding to expand current community-based treatment efforts and prevent the recidivism of those currently in the correctional system; and

(5) assist States in the implementation of alternative drug treatment programs that divert non-violent drug offenders to treatment programs that are more suited for the rehabilitation of drug offenders.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) **NON-VIOLENT.**—The term "non-violent" with respect to a criminal offense means an offense that is not a crime of violence as defined under the applicable State law.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Health and Human Services.

(3) **STATE.**—The term "State" means each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

#### SEC. 5. GRANTS FOR THE EXPANSION OF CAPACITY FOR PROVIDING TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.), as amended by sections 3104 and 3632 of the Youth Drug and Mental Health Services Act (Public Law 106-310), is amended—

(1) by redesignating the section 514 relating to the methamphetamine and amphetamine treatment initiative as section 514B and inserting such section after section 514A; and

(2) by adding at the end the following:

#### "SEC. 514C. TREATMENT ON DEMAND.

"(a) **IN GENERAL.**—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, shall—

"(1) award grants, contracts, or cooperative agreements to public and private non-profit entities, including Native Alaskan en-

ties and Indian tribes and tribal organizations; and

"(2) award block grants to States;

for the purpose of providing substance abuse treatment services.

#### "(b) ELIGIBILITY.—

"(1) **IN GENERAL.**—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a) an entity or a State shall provide assurances to the Secretary that amounts received under such grant, contract, or agreement will only be used for substance abuse treatment programs that have been certified by the State as using licensed or certified providers.

"(2) **APPLICATION.**—An entity or State desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(3) **PRIORITY.**—In awarding grants, contracts, or cooperative agreements to entities under subsection (a)(1), the Secretary shall give priority to applicants who propose to eliminate the waiting lists for substance abuse treatment on demand programs in local communities with high incidences of drug use.

#### "(c) AMOUNT.—

"(1) **PUBLIC AND PRIVATE NONPROFIT ENTITIES.**—The amount of each grant, contract, or cooperative agreement awarded to a public or private nonprofit entity under subsection (a)(1) shall be determined by the Secretary based on the application submitted by such an entity.

"(2) **STATES.**—The amount of a block grant awarded to a State under subsection (a)(2) shall be determined by the Secretary based on the formula contained in section 1933.

"(d) **DURATION OF GRANTS.**—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

#### "(e) REQUIREMENT OF MATCHING FUNDS.—

"(1) **IN GENERAL.**—Subject to paragraph (3), the Director may not make a grant, contract or cooperative agreement under subsection (a) unless the entity or State involved agrees, with respect to the costs of the program to be carried out by the entity or State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is—

"(A) for the first fiscal year for which the entity or State receives such a grant, contract or cooperative agreement, not less than \$1 for each \$9 of Federal funds provided in the grant, contract or cooperative agreement;

"(B) for any second or third such fiscal year, not less than \$1 for each \$5 of Federal funds provided in the grant, contract or cooperative agreement; and

"(C) for any subsequent such fiscal year, not less than \$1 for each \$3 of Federal funds provided in the grant, contract or cooperative agreement.

"(2) **DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.**—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(3) **WAIVER.**—The Director may waive the requirement established in paragraph (1) if the Director determines—

"(A) that extraordinary economic conditions in the area to be served by the entity or State involved justify the waiver; or

“(B) that other circumstances exist with respect to the entity or State that justify the waiver, including the limited size of the entity or State or the ability of the entity or State to raise funds.

“(f) EVALUATION.—An entity or State that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity or State shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

“(g) USE FOR CONSTRUCTION.—A grantee under this section may use up to 25 percent of the amount awarded under the grant, contract or cooperative agreement under this section for the costs of construction or major renovation of facilities to be used to provide substance abuse treatment services and for facility maintenance.

“(h) AUTHORIZATION OF APPROPRIATIONS.—“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

- “(A) \$600,000,000 for fiscal year 2002;
- “(B) \$1,200,000,000 for fiscal year 2003;
- “(C) \$1,800,000,000 for fiscal year 2004;
- “(D) \$2,400,000,000 for fiscal year 2005; and
- “(E) \$3,000,000,000 for fiscal year 2006.

“(2) ALLOCATION OF FUNDS.—From the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall allocate—

“(A) 50 percent of such amount to award grants, contracts, or cooperative agreements to public or nonprofit private entities under subsection (a)(1); and

“(B) 50 percent of such amount to award grants to States under subsection (a)(2).”

#### SEC. 6. ALTERNATIVE TREATMENT PROGRAMS.

(a) GRANTS.—The Attorney General, in consultation with the Secretary, shall award grants to eligible States to enable such States, either directly or through the provision of assistance to counties or local municipalities, to provide drug treatment services to individuals who have been convicted of non-violent drug possession offenses and diverted from incarceration because of the enrollment of such individuals into community-based drug treatment programs.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State shall—

(1) be implementing an alternative drug treatment program under which any individual in the State who has been convicted of a non-violent drug possession offense may be enrolled in an appropriate drug treatment program as an alternative to incarceration; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts provided to a State under a grant under this section may be used by the State (or by State or local entities that receive funding from the State under this section) to pay expenses associated with—

- (1) the construction of treatment facilities;
- (2) payments to related drug treatment services providers that are necessary for the effectiveness of the program, including aftercare supervision, vocational training, education, and job placement;
- (3) drug testing;
- (4) probation services;
- (5) counseling, including mental health services; and
- (6) the operation of drug courts.

(d) MATCHING REQUIREMENT.—Funds may not be provided to a State under this section

unless the State agrees that, with respect to the costs to be incurred by the State in carrying out the drug treatment program involved, the State will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is at least equal to the amount of Federal funds provided to the State under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section, \$250,000,000 for each of fiscal years 2002 through 2006.

#### SEC. 7. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall conduct a study of the use of funds under this Act and the amendments made by this Act. In conducting such study, the Office shall make determinations as to whether such funding meets, exceeds, or falls short of the level of funding needed to provide substance abuse treatment to those in need.

(b) REPORTS.—The General Accounting Office shall prepare and submit to the appropriate committees of Congress an interim and final report concerning the study conducted under subsection (a). The reports required under this subsection shall be submitted—

(1) with respect to the interim report, not later than 2 years after the date of enactment of this Act; and

(2) with respect to the final report, not later than 4 years after the date of enactment of this Act.

#### SUPPORTERS OF THE TREATMENT ON DEMAND ASSISTANCE ACT CHIEFS OF POLICE

Ron Ace, Chief of Police, Concord.  
Robert J. Brennan, Chief of Police, Atherton.

Kenneth L. Becknell, Chief of Police, Barstow.

James T. Butts, Jr., Chief of Police, Santa Monica.

Craig H. Calhoun, Chief of Police, Hayward.

William E. Eldridge, Chief of Police, Livingston.

Robert S. Gonzales, Chief of Police, Santa Paula.

Tim Grimmond, Chief of Police, El Segundo.

Thomas R. Hitchcock, Chief of Police, Brisbane.

J. Michael Klein, Chief of Police, Sand City.

Fred H. Lau, Chief of Police, San Francisco.

Joseph A. Santoro, Chief of Police, Fontana.

Frank J. Scialdone, Chief of Police, Fontana.

Tom Tunson, Chief of Police, Calexico.

Arturo Venegas, Jr., Chief of Police, Sacramento.

Paul M. Walters, Chief of Police, Santa Ana.

Roy W. Wasden, Chief of Police, Modesto.

Richard L. Word, Chief of Police, Oakland.

John Zapalac, Chief of Police, Woodlake.

#### SHERIFFS

California State Sheriff's Association.  
Lee Baca, Sheriff, Los Angeles County.

Harold D. Carter, Sheriff, Imperial County.  
Michael Hennessey, Sheriff, City and County of San Francisco.

Don Horsley, Sheriff, San Mateo County.  
Dennis Lewis, Sheriff, Humboldt County.

Gary S. Penrod, Sheriff, San Bernardino County.

Charles C. Plummer, Sheriff, Alameda County.

E.G. Prieto, Sheriff-Coroner, Yolo County.

Tom Sawyer, Sheriff-Corner, Merced County.

Larry D. Smith, Sheriff, Riverside County.

#### DISTRICT ATTORNEYS

Terry R. Farmer, District Attorney, Humboldt County.

Terence Hallinan, District Attorney, City and County of San Francisco.

George W. Kennedy, District Attorney, Santa Clara County.

Pete Knoll, District Attorney, Siskiyou County.

#### ELECTED AND APPOINTED OFFICIALS

Jane Brunner, Vice Mayor, Oakland.  
Patricia A. Campbell, Chair, Mendocino County Board of Supervisors.

Ann K. Capela, County Executive Officer, Imperial County.

Illa Collin, Supervisor, Sacramento County.

Rosemary Corbin, Mayor, Richmond.  
Kelly F. Cox, Administrative Officer, Lake County.

Shirley Dean, Mayor, Berkeley.  
Heather Fargo, Mayor, Sacramento.

Donna Gerber, Supervisor, Contra Costa County.

Steven Gutierrez, Supervisor, San Joaquin County.

James H. Harmon, Presiding Judge, Imperial County Superior Court, Drug Court.

Anthony J. Intintoli, Jr., Mayor, Vallejo.  
Dave Jones, Councilmember, City of Sacramento.

Sandra Kellams, Mayor, City of Colfax.  
Marin County Board of Supervisors, Marin County.

Bonnie Pannell, Vice-Mayor, City of Sacramento.

Bill Simmons, Supervisor, County of Yuba.  
Sonoma County Board of Supervisors, Sonoma County.

John Woolley, Chair, Humboldt County Board of Supervisors.

Christopher W. Yeager, Presiding Judge, Imperial County Superior Court.

#### HEALTH AGENCIES

Beverly K. Abbott, Director, Mental Health Services, San Mateo Health Services.

Gene Coleman, Chairperson, City-Wide Alcoholism Advisory Board, San Francisco.

Beverly R. Craig, R.N., J.D., Deputy Director of Community Health Services, Yuba County.

Cheryl S. Davis, Director, Sacramento County Department of Human Assistance.

Ed Fisher, Assistant Director, Sutter County Human Services Department.

Yvonne Frazier, Director, Alcohol and Drug Services, San Mateo Health Services.

Patricia Harrison, Community Chair, Treatment on Demand Planning Council, San Francisco.

John Hoss, Assistant Director of Human Services, Sutter-Yuba Mental Health Services.

James W. Hunt, Director, Sacramento County Department of Health and Human Services.

Dr. Mitchell Katz, Director of Health, City and County of San Francisco.

Terry Longoria, Director, Napa County Health and Human Services.

Donald R. Rowe, Director, Solano County Health and Social Services Department.

Warren T. Sherlock, Deputy Director, Alcohol & Drug Services, Imperial County.

Randy F. Snowden, Alcohol and Drug Program Administrator, Health & Human Services, Napa.

William B. Walker, Director, Contra Costa Health Services, Martinez.

Matonia Williams, President, Drug Abuse Advisory Board, San Francisco.

Donald L. Williamson, Vice Chair to the Board, Indian Valley Services District, Greenville.

## PUBLIC DEFENDERS

Shane A. Gusman, Legislative Advocate, California Public Defenders Association.  
Barry Melton, Public Defender, Yolo County.

Eluid M. Romero, Supervising Assistant Public Defender, Sacramento County.

## PROBATION OFFICERS

David L. Lehman, Chief Probation Officer, Humboldt County.

Steven H. Lyman, Chief Probation Officer, Siskiyou County Probation Department.

Christine Odom, Chief Probation Officer, Sutter County Probation Department.

Joseph S. Warchol II, Chief Probation Officer, El Dorado County Probation Department.

## ORGANIZATIONS AND CLINICS

Another Choice, Another Chance (ACAC), Sacramento.

Asian American Drug Abuse Program, Inc., Los Angeles.

Asian Pacific Community Counseling, Sacramento.

Associated Students, Los Rios Community College District.

Associated Student Government, Sacramento City College.

Associated Students of UC Davis, University of California, Davis.

Boyle Heights Recovery Center, Behavioral Health Services, Los Angeles.

Building & Construction Trades Council, Humboldt & Del Norte Counties.

California Association of Alcohol and Drug Program Executives, Sacramento.

Central Valley Health Network, Sacramento.

Community Coalition, Los Angeles.

Community Service Programs, Santa Ana County Alcohol and Drug Program Administrators Association of California, Sacramento.

Detention Ministry and Inside Out Network, Napa.

The Effort, Inc., Sacramento.

Fair Oaks Recovery Center, Fair Oaks.

FamiliesFirst, Davis.

First A.M.E. Church (FAME), Los Angeles.

Galt Community Concilio, Inc., Galt.

Gay & Lesbian Center, Los Angeles.

Korean Youth & Community Center, Los Angeles.

Lambda Letters Project, Carmichael.

Lincoln Heights Recovery Center, Los Angeles.

Los Angeles Centers for Alcohol & Drug Abuse, Santa Fe Springs.

Mental Health Association in California, Sacramento.

Morrisania West, San Francisco.

Napa Valley Coalition of Non-profit Agencies, Napa.

National Advocacy on Addictions, Los Angeles.

National Asian Women's Health Organization, San Francisco.

National Association of Social Workers, Washington, D.C.

National Council on Alcoholism and Drug Dependence, Sacramento Affiliate.

National Council on Alcoholism and Drug Dependence, San Fernando Valley Affiliate.

New Dawn Recovery Center, Sacramento.

Ohlhoff Recovery Programs, San Francisco.

Organization of Chinese Americans, Inc., Sacramento.

People in Progress, Los Angeles.

Phoenix House, Lake View Terrace.

Ready Willing & Able, New York.

Recovery Theatre, San Francisco.

SHIELDS for Families, Los Angeles.

Southeast Asian Assistance Center, Sacramento.

Swords to Plowshares, San Francisco.

Tarzana Treatment Centers, Tarzana.

By Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS):

S. 845. A bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource; to the committee on Finance.

Mr. CRAPO. Mr. President, I rise to introduce legislation that will encourage the expansion of an often overlooked domestic energy resource that offers a source of revenue for our rural communities and an avenue for cleanup of agricultural waste. I am pleased to be joined by co-sponsors Senator HUTCHINSON and Senator HELMS.

It has been well-publicized that our country faces mounting uncertainty in meeting our energy demands. After years of getting little attention, we are now in a period where the development of domestic energy resources has reached a crucial point. I support our efforts to diversify our energy supply resources to ensure our nation's energy security, support our business and agricultural economies, and protect our individual consumers. This time of challenge also offers great opportunities. One of those is the opportunity to encourage a largely untapped resource to provide domestic energy, while also promoting the protection of the environment and rural development. I am speaking about energy derived from agricultural and animal waste sources.

Electricity from biomass and waste sources using modern technology is a renewable resource that can add to our domestic energy supply. The process uses manure and waste products that are heated and converted into biogas that is burned to generate electricity, which is sold into the power grid. This technology is widely accepted in Europe where over 600 systems are in operation today. In this country, the technology is gaining acceptance following numerous successful case studies. This process offers farmers an option for cleaning agricultural waste that is a known source of groundwater contamination and air pollution. The revenue generated from the sale of electricity provides a source of income to offset the cleanup costs, while providing important kilowatts to the power grid.

The bill I am introducing today would extend the 1.5 cent per kilowatt hour production tax credit that is currently available to wind, closed-loop biomass, and poultry waste by making it available to all agricultural and animal waste sources.

There have been other bills introduced that would extend the tax credit to additional renewable sources such as solar energy. I encourage efforts to broaden the definition of renewable sources and, for that reason, I am also proposing an amendment to S. 388, the comprehensive national energy bill introduced by Senator MURKOWSKI. The amendment would add agricultural and animal waste as a renewable energy resource listed under that bill.

The use of modern technology to generate electricity from waste should not be overlooked. The tax credit is an important incentive to encourage its wider use. I encourage my colleagues to join me in this important initiative. I ask unanimous consent that the text of the bill and the amendment be printed in the RECORD.

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

S. 845

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

**SECTION 1. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES AND EXTENSION TO WASTE ENERGY.**

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking subparagraph (C) and inserting the following:

“(C) agricultural and animal waste sources.”

(2) DEFINITIONS.—Section 45(c) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

“(5) AGRICULTURAL AND ANIMAL WASTE SOURCES.—The term ‘agricultural and animal waste sources’ means all waste heat, steam, and fuels produced from the conversion of agricultural and animal wastes, including by-products, packaging, and any materials associated with the processing, feeding, selling, transporting, and disposal of agricultural and animal products or wastes (such as wood shavings, straw, rice hulls, and other bedding material for the disposition of manure).”

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Section 45(c)(3) of the Internal Revenue Code of 1986 (defining qualified facility) is amended by striking subparagraph (C) and inserting the following:

“(C) AGRICULTURAL AND ANIMAL WASTE FACILITY.—In the case of a facility using agricultural and animal waste to produce electricity, the term ‘qualified facility’ means any facility of the taxpayer which is originally placed in service—

“(i) in the case of a facility using poultry waste, after December 31, 1999, and before January 1, 2002, and

“(ii) in the case of any other facility, after the date of the enactment of this subparagraph and before July 1, 2011.

“(D) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term ‘qualified facility’ shall include a facility using agricultural and animal waste to produce electricity and other biobased products such as chemicals and fuels from renewable resources.

“(E) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (C)—

“(i) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

“(ii) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.”

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 45 of the Internal Revenue Code of 1986 is amended by inserting “and waste energy” after “renewable”.

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 of such Code is

amended by inserting "and waste energy" after "renewable".

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 83—REFERENCING S. 846 ENTITLED "A BILL FOR THE RELIEF OF J.L. SIMMONS COMPANY, INC., OF CHAMPAIGN, ILLINOIS" TO THE CHIEF JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A REPORT THEREON

Mr. DURBIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 83

*Resolved,*

#### SECTION 1. REFERRAL.

S. \_\_\_\_ entitled "A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois", now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

#### SEC. 2. PROCEEDING AND REPORT.

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions as are sufficient to inform Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States, or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to J.L. Simmons Company, Inc., of Champaign, Illinois.

#### SENATE RESOLUTION 84—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN TIMOTHY A. HOLT V. PHIL GRAMM

Mr. LOTT (for himself, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas, Senator Phil Gramm has been named as a defendant in the case of Timothy A. Holt v. Phil Gramm, Case No. JC00-541, now pending in the Small Claims and Justice Court of Dallas County, Texas;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978 (2 U.S.C. §§ 288b(a) and 288c(a)(1)), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities; Now, therefore, be it

*Resolved,* That the Senate Legal Counsel is authorized to represent Senator Phil Gramm in the case of Timothy A. Holt v. Phil Gramm.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amend-

ment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 385. Mrs. CARNAHAN (for herself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 386. Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 387. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 388. Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 389. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. HAGEL) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 390. Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill 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; and for other purposes; which was referred to the Committee on Energy and Natural Resources.

SA 391. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

SA 392. Mrs. FEINSTEIN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 393. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 394. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 395. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

#### SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) **FINDINGS.**—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately \$40,582.

(2) The average starting salary for teachers in the United States is \$26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average \$408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that Congress and the President should—

(1) should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket unreimbursed expenses educators incur to improve the education of our Nation's students.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the end, add the following:

#### TITLE \_\_\_\_—TEACHER PROTECTION

##### SEC. \_\_\_\_ 1. TEACHER PROTECTION.

The Act (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

#### "TITLE \_\_\_\_—TEACHER PROTECTION

##### "SEC. \_\_\_\_ 1. SHORT TITLE.

"This title may be cited as the 'Paul D. Coverdell Teacher Protection Act of 2001'.

##### "SEC. \_\_\_\_ 2. 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, which are critical for the continued economic development of the United States.

“(5) Frivolous lawsuits against teachers maintaining order in the classroom impose significant financial burdens on local educational agencies, and deprive the agencies of funds that would best be used for educating students.

“(6) 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 title 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. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.**

“(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

“(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title 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 title shall not apply, as of a date certain, to such civil action in the State; and

“(3) containing no other provisions.

**“SEC. 4. 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 or omission 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 or omission 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 title 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) HIRING.—The limitations on the liability of a teacher under this title shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

**“SEC. 5. LIABILITY FOR NONECONOMIC LOSS.**

“(a) GENERAL RULE.—In any civil action against a teacher, based on an action or omission 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 each person responsible for the claimant’s harm, whether or not such person is a party to the action.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

**“SEC. 6. DEFINITIONS.**

“For purposes of this title:

“(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, other educational professional that works in a school, or an individual member of a school board (as distinct from the board itself).

**“SEC. 7. EFFECTIVE DATE.**

“(a) IN GENERAL.—This title shall take effect 90 days after the date of the enactment of the Paul D. Coverdell Teacher Protection Act of 2001.

“(b) APPLICATION.—This title 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 Paul D. Coverdell Teacher Protection 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.”

**SA 385.** Mrs. CARNAHAN (for herself, and Mr. NELSON of Nebraska) submitted an amendment intended to be

proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, which was ordered to lie on the table; as follows:

On page 51, between lines 15 and 16, insert the following:

“(4) ASSESSMENTS NOT REQUIRED.—

“(A) IN GENERAL.—A State shall not be required to conduct any assessments under paragraph (3) in any school year if—

“(i) the assessments are not otherwise required under Federal law on the day preceding the date of enactment of the Better Education for Students and Teachers Act; and

“(ii) the amount made available to the State under section 6403(a) for use in the school year involved for such assessments is less than 100 percent of the costs to the State of administering such assessments in the previous school year, or if such assessments were not administered in the previous school year (in accordance with this subparagraph), in the most recent school year in which such assessments were administered.

“(B) DETERMINATION OF TOTAL COSTS.—For purposes of making the determination required under subparagraph (A)(ii), the Secretary shall, not later than March 15 of each year, publish in the Federal Register a description of the total costs of developing and implementing the assessments required under the amendments made by the Better Education for Students and Teachers Act for the school year involved based on information submitted by the States, as required by the Secretary. Such total costs may include costs related to field testing, administration (including the printing of testing materials and reporting processes), and staff time. The Secretary shall include in any such publication a justification with respect to any category of costs submitted by a State that is excluded by the Secretary from the estimated total cost.

“(C) 2005–2006 SCHOOL YEAR.—Not later than March 15, 2005, the Secretary shall make the publication required under subparagraph (B) with respect to the 2005–2006 school year.

“(D) REPORT.—The Secretary annually report the information published under subparagraph (B) to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and Committee on Appropriations of the House of Representatives.

On page 59, line 21, after the period add the following: “No funds shall be withheld under this subsection for any school year in which the Secretary determines that a State has received, under section 6403(a), less than 100 percent of the costs to the State of designing standards and developing and administering assessments for measuring and monitoring adequate yearly progress under this section. The Secretary shall determine the reasonable costs of designing, developing, and administering standards and assessments based on information submitted by the States, as required by the Secretary, except that the Secretary shall provide a written explanation of any category of costs that excluded from the Secretary’s calculations.”

On page 778, after line 21, add the following:

“(d) MISCELLANEOUS PROVISION.—Notwithstanding subsection (a)(3), there is authorized to be appropriated to carry out subsection (a)(1), such sums as may be necessary for fiscal year 2002 and for each of the 6 succeeding fiscal years.”

**SA. 386.** Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1)

to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 893, after line 14, add the following:

**SEC. \_\_\_\_ SCHOOL RESOURCE OFFICER PROJECTS.**

(a) COPS PROGRAM.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting “school officials,” after “enforcement officers”; and

(2) by striking paragraph (8) and inserting the following:

“(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;”

(b) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

“(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;” and

(3) by adding at the end the following:

“(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

“(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

“(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

“(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.”

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

“(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and

1709(4), to remain available until expended \$180,000,000 for each of fiscal year 2002 through 2007.”

**SA 387.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 794, after line 7, insert the following:

**SEC. 902. LOAN FORGIVENESS FOR TEACHERS.**

(a) SHORT TITLE.—This section may be cited as the “Rural Teacher Recruitment Act of 2001”.

(b) FEDERAL FAMILY EDUCATION LOAN PROGRAM.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in subsection (b)(1)(A), by inserting “, or in a school served by a local educational agency eligible for a grant under section 5232(b) of the Elementary and Secondary Education Act of 1965” after “such schools”; and

(2) in subsection (c)(1), by striking “\$5000” and inserting “\$17,000”.

(c) WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in subsection (b)(1)(A)(i), by inserting “, or in a school served by a local educational agency eligible for a grant under section 5232(b) of the Elementary and Secondary Education Act of 1965” after “such schools”; and

(2) in subsection (c)(1), by striking “\$5000” and inserting “\$17,000”.

**SA 388.** Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**“SEC. \_\_\_\_ CLASS SIZE REDUCTION.**

“(a) ALLOTMENT.—Notwithstanding any other provision of this law, from \$1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

“(1) shall make available a total of \$6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

“(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

“(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

“(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families 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 Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data

are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

“(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

“(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

“(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

“(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

“(c) USES.—

“(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

“(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

“(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

“(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

“(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

“(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program

that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

“(1) to make further class size reductions in kindergarten through grade 3;

“(2) to reduce class size in other grades;

“(3) to carry out activities to improve teacher quality, including professional development; and

“(4) to carry out other activities authorized under title V.

“(e) REPORTS.—

“(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

“(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

“(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

“(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

“(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

“(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

“(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

**SA 389.** Mr. VOINOVICH (for himself, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. HAGEL) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 7, line 21, add “and the Governor” after “agency”.

On page 8, line 1, insert “and the Governor” after “agency”.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

“(c) STATE PLAN.—Each Governor and State educational agency shall jointly pre-

pare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.”.

On page 35, line 20, insert “, that is jointly prepared and signed by the Governor and the chief State school official,” after “a plan”.

On page 706, line 8, insert “Governor and the” after “which a”.

On page 706, line 16, insert “Governor and the” after “A”.

On page 707, line 2, insert “Governor and the” after “A”.

**SA 390.** Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill 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; and for other purposes; which was referred to the Committee on Energy and Natural Resources; as follows:

On page 124, line 7 insert “or agricultural or animal waste” after “biomass”.

On page 127, line 15, insert “agricultural or animal waste,” after “biomass,”.

**SA 391.** Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . SENIOR OPPORTUNITIES.**

(a) TWENTY-FIRST CENTURY COMMUNITY LEARNING CENTERS.—Section 1609(a)(2) (as amended in section 151) is further amended—

(1) in subparagraph (G), by striking “and” after the semicolon;

(2) in subparagraph (H), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(I) if the organization plans to use seniors as volunteers in activities carried out through the center, a description of how the organization will encourage and use appropriately qualified seniors to serve as the volunteers.”.

(b) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; GOVERNOR'S PROGRAMS.—Section 4114(d) (as amended in section 401) is further amended—

(1) in paragraph (14), by striking “and” after the semicolon;

(2) in paragraph (15), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(15) drug and violence prevention activities that use the services of appropriately qualified seniors for activities that include mentoring, tutoring, and volunteering.”.

(c) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.—Section 4116(b) (as amended in section 401) is further amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “(including mentoring by appropriately qualified seniors)” after “mentoring”; and

(B) in subparagraph (C)—

(i) in clause (i), by striking “and” after the semicolon;

(ii) in clause (ii), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(iii) drug and violence prevention activities that use the services of appropriately qualified seniors for such activities as mentoring, tutoring, and volunteering;”;

(2) in paragraph (4)(C), by inserting “(including mentoring by appropriately qualified seniors)” after “mentoring programs”; and

(3) in paragraph (8), by inserting “, which may involve appropriately qualified seniors working with students” after “settings”.

(d) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; FEDERAL ACTIVITIES.—Section 4121(a) (as amended in section 401) is further amended—

(1) in paragraph (10), by inserting “, including projects and activities that promote the interaction of youth and appropriately qualified seniors” after “responsibility”; and

(2) in paragraph (13), by inserting “, including activities that integrate appropriately qualified seniors in activities, such as mentoring, tutoring, and volunteering” after “title”.

(e) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; FORMULA GRANTS.—Section 7115(b) (as amended in section 701) is further amended—

(1) in paragraph (10), by striking “and” after the semicolon;

(2) in paragraph (11), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.”.

(f) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; SPECIAL PROGRAMS AND PROJECTS.—Section 7121(c)(1) (as amended in section 701) is further amended—

(1) in subparagraph (K), by striking “or” after the semicolon;

(2) in subparagraph (L), by striking “(L)” and inserting “(M)”; and

(3) by inserting after subparagraph (K) the following:

“(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or”.

(g) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; PROFESSIONAL DEVELOPMENT.—The second sentence of section 7122(d)(1) (as amended in section 701) is further amended by striking the period and inserting “, and may include programs designed to train tribal elders and seniors.”.

(h) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; NATIVE HAWAIIAN PROGRAMS.—Section 7205(a)(3)(H) (as amended in section 701) is further amended—

(1) in clause (ii), by striking “and” after the semicolon;

(2) in clause (iii), by inserting “and” at the end; and

(3) by adding at the end the following:

“(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;”.

(i) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; ALASKA NATIVE PROGRAMS.—Section 7304(a)(2)(F) (as amended in section 701) is further amended—

(1) in clause (i), by striking “and” after the semicolon;

(2) in clause (ii), by inserting “and” after the semicolon; and

(3) by adding at the end the following:

“(iii) may include activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors;”.

**SA 392.** Mrs. FEINSTEIN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 327, after line 10, add the following:

(7) Carrying our programs and activities related to Master Teachers.

(2) MASTER TEACHER.—The term “master teacher” means a teacher who—

(A) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual’s performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in subparagraph (F) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress pertaining to the utilization of funds under section 2123 for Master Teachers.

(2) CONTENTS OF REPORT.—The report shall include an analysis of:

(A)(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers;

(iv) the impact of master teachers on student achievement; and

(v) the reduction in the rate of attrition of beginning teachers; and

(B) recommendations regarding—

(ii) establishing activities to expand the project to additional local educational agencies and school districts.

**SA 393.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 152, beginning with line 17, strike all through page 153, line 12, and insert the following:

“(3) POPULATION UPDATES.—

“(A) IN GENERAL.—In fiscal year 2001 and each subsequent year, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below

the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable.

“(B) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall—

“(i) publicly disclose their reasons;

“(ii) provide an opportunity for States to submit updated data on the number of children described in subparagraph (A); and

“(iii) review the data and, if the data are appropriate and reliable, use the data, for the purposes of this section, to determine the number of children described in subparagraph (A).

“(C) CRITERIA OF POVERTY.—In determining the families that are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for each fiscal year such sums as may be necessary to update the data described in subparagraph (A).

**SA 394.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

At the end, add the following:

**“PART B—HIGH GROWTH GRANT PROGRAM**

**“SEC. 9201. HIGH GROWTH GRANT PROGRAM.**

“(a) STATE GRANTS.—From funds appropriated under subsection (e) for a fiscal year the Secretary shall award a grant to each State that has an increase in the number of children aged 5 through 17 who are from poor families, from the preceding fiscal year to the fiscal year for which the determination is made, in an amount that bears the same relation to such funds as the increase for the State bears to the increases for all States having such an increase.

“(b) LOCAL GRANTS.—Each State that receives a grant under subsection (a) shall use the grant funds to award grants to those local educational agencies in the State that have the highest increases, from the preceding fiscal year to the fiscal year for which the determination is made, in the number of children aged 5 through 17 who are from poor families.

“(c) USE OF FUNDS.—Each local educational agency receiving a grant under subsection (b) shall use the grant funds to carry out any activity authorized under part A of title I.

“(d) DATA.—The Secretary shall base the determinations described in subsection (a) on the most recent annual estimates available from the Secretary of Commerce regarding each State’s total number of children aged 5 through 17 who are from poor families.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$200,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.”.

**SA 395.** Mr. ENSIGN submitted an amendment intended to be proposed by

him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 893, after line 14, add the following:

**SEC. \_\_\_\_ . ARTS IN EDUCATION.**

Title IX (as added by section 901) is amended by adding at the end the following:

**"PART B—ARTS IN EDUCATION**

**"SEC. 9201. FINDINGS AND PURPOSE.**

"(a) FINDINGS.—Congress finds that—

"(1) there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level;

"(2) the arts promote progress in academic subjects as shown by research conducted by the National Assessment of Education Progress, the Arts Education Partnership, the President's Committee on the Arts and Humanities, and other entities;

"(3) children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction;

"(4) learning in the arts and humanities promotes progress in other academic subjects, and generates positive self-esteem and a greater sense of accomplishment in young people;

"(5) school-university and school-cultural institution partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children;

"(6) museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth;

"(7) local, State, and national resources support the integration of the arts and humanities into the regular curriculum and school day for all children; and

"(8) while all children benefit from instruction in the arts and the humanities, at-risk children and youth have a special, additional need for arts and cultural programs both in school and after school;

"(b) PURPOSE.—The purpose of this subpart is to make grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

**"SEC. 9202. SUPPORT FOR ARTS EDUCATION.**

"(a) FINDINGS.—Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) such transformation is best realized in the context of comprehensive, systemic education reform;

"(5) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings;

"(6) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities;

"(7) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

"(8) arts education should be an integral part of the elementary school and secondary school curriculum.

"(b) PURPOSES.—The purposes of this section are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this section, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs by VSA Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities;

"(9) supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curriculum; and

"(10) other activities that further the purposes of this section.

"(e) COORDINATION.—

"(1) IN GENERAL.—A recipient of funds under this section shall, to the extent possible, coordinate projects assisted under this section with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) SPECIAL RULE.—In carrying out this section, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated \$28,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is \$15,000,000 or less, then such amount shall only be available to carry out the ac-

tivities described in paragraphs (7) and (8) of subsection (d)."

**NOTICES OF HEARING**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on May 9, 2001, in SR-328A at 9:30 a.m. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on May 16, 2001, in SR-328A at 9 a.m. The purpose of this hearing will be to review the credit title of the upcoming farm bill.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 15, 2001, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider national energy policy with respect to Federal, State, and local impediments to the siting of energy infrastructure.

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, 212 Hart Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224-7932.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 8, 2001, at 9:30 a.m., on election reform.

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. JEFFORDS. 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 Tuesday, May 8, at 2:30 p.m., to conduct an oversight hearing. The committee will receive testimony on the President's proposed budget for FY2002 for the Forest Service.

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

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. JEFFORDS. 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 Tuesday, May 8, at 9:30 a.m., to conduct an oversight hearing. The committee will receive testimony on the President's proposed budget for FY2002 for the Department of the Interior.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Better Pharmaceuticals for Children: Assessment and Opportunities during the session of the Senate on Tuesday, May 8, 2001, at 9:30 a.m.

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS,  
PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee Clean Air, Wetlands, Private Property and Nuclear Safety be authorized to meet on Tuesday, May 8, at 9:30 a.m., to conduct an oversight hearing on the Nuclear Regulatory Commission.

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

SUBCOMMITTEE ON HOUSING AND  
TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 8, 2001, to conduct a hearing on "Oversight of the Mission of the Office of Federal Housing Enterprise Oversight, OFHEO, and the Financial Safety and Soundness of Fannie Mae and Freddie Mac."

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

PRIVILEGES OF THE FLOOR

Mr. REID. I ask unanimous consent Meghan McGowan, a fellow in my office, be granted the privilege of the floor during consideration of the education bill when it is on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations, to the Board of Visitors of the U.S. Naval Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the Senator from Idaho (Mr. CRAIG), from the Committee on Appropriations, to the Board of Visitors of the U.S. Air Force Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Ohio (Mr. DEWINE), from the Committee on Appropriations, to the Board of Visitors of the U.S. Military Academy.

AUTHORIZING REPRESENTATION  
BY SENATE LEGAL COUNSEL

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 84, submitted by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 84) to authorize representation by the Senate Legal Counsel in *Timothy A. Holt v. Phil Gramm*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a pro se plaintiff has commenced a civil action in Texas state court seeking damages against Senator GRAMM based on the Senator's acts of voting and introducing legislation regarding the labor of foreign nationals. The action makes Senator GRAMM a defendant solely because of acts of voting and introducing legislation taken in his official capacity as United States Senator. As such, the action is barred by the speech or debate clause of the Constitution. As Senators, we answer to our constituents, not to the courts, for our legislative activity.

This resolution would authorize the Senate Legal Counsel to represent Senator GRAMM to seek dismissal of the matter.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.  
(The resolution is printed in today's RECORD under "Statements on Submitted Resolutions.")

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 41 and 50.

I further ask unanimous consent that the nominations be confirmed, the mo-

tions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Richard Nathan Haass, of Maryland, for the rank of Ambassador during his tenure of Service as Director, Policy Planning Staff, Department of State.

DEPARTMENT OF DEFENSE

Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY MAY 9,  
2001

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 9. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Mikulski amendment regarding community technology centers as under the previous order.

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

PROGRAM

Mr. JEFFORDS. Mr. President, tomorrow morning the Senate will have 5 minutes for closing remarks on the Mikulski amendment, with a vote to occur at approximately 9:35 a.m. There are numerous amendments currently pending to the education bill and others expected to be offered during tomorrow's session. The Senate will continue consideration of the education bill until the budget resolution conference report is received from the House. It is hoped the papers will arrive no later than tomorrow afternoon so the Senate can attempt to complete action on the conference report prior to tomorrow's adjournment. As a reminder, all first-degree amendments to the education bill must be filed no later than 5 p.m. tomorrow, as under a previous order.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. JEFFORDS. 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 7:03 p.m., adjourned until Wednesday, May 9, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 8, 2001:

CONSUMER PRODUCT SAFETY COMMISSION

MARY SHEILA GALL, OF VIRGINIA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE ANN BROWN.

DEPARTMENT OF COMMERCE

WILLIAM HENRY LASH, III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PATRICK A. MULLOY, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GARY A. QUICK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. LENNOX JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WALLACE C. GREGSON JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN J. MCCARTHY JR., 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO

THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHARLES R. BARNES, 0000  
ANDREW W. GOODWIN III, 0000  
JOSEPH WELLS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate May 8, 2001:

DEPARTMENT OF STATE

JOHN ROBERT BOLTON, OF MARYLAND, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

RICHARD NATHAN HAASS, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DIRECTOR, POLICY PLANNING STAFF, DEPARTMENT OF STATE.

DEPARTMENT OF DEFENSE

EDWARD C. ALDRIDGE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.