The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. WOLF).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER
The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of life and love, this weekend in celebrating Mother’s Day, we have honored a relationship very basic, truly tender and symbolic of national values.
Mindful of our common origin, we ask Your blessing upon all mothers, both living and dead, of those here present and all the Members of this House.
Without our knowing it, each of us caused pain to a young woman just to be born into this world.
Make us eternally grateful for the gift of life and the noble commitment of women as mothers.

Be with the mothers of this Nation now and in the years to come.

Share with them Your spirit of wisdom, patience, generous forgiveness, and convincing justice.

Help them to mold young lives so fragile to their touch into model citizens who know right from wrong, who are unafraid to stand up to justice yet are channels of peace.
Help all know that in every act of being a mother, a woman shapes the strength of this Nation.
We are mindful of Your image in mother’s love yesterday, now and forever. Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.
Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. OBERSTAR) come forward and lead the House in the Pledge of Allegiance.
Mr. OBERSTAR 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE
The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.
DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 10, 2001 at 2:48 p.m.
That the Senate agreed to conference report H. Con. Res. 83.
With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

A TRIBUTE TO JEAN M. LYNN, CLINICAL COORDINATOR, BREAST CARE CENTER, GEORGE WASHINGTON UNIVERSITY MEDICAL CENTER
(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
Mr. OBERSTAR. Mr. Speaker, the oncology nurse may well be as close as mere mortals come to angels on earth. These extraordinary health professionals must win the trust of their cancer patients while injecting toxics into the inflicted body. They must inspire hope of a better life in a patient who often wonders whether the treatment...
might be worse than the disease, and they must be gentle, comforting and reassuring to an often bewildered, even frightened cancer victim, desperate for someone truly to be their advocate.

Jean Lynn, Clinical Coordinator of the Breast Care Center at George Washington University Medical Center, personifies all of those prized qualities of the ideal oncology nurse, an angel to her patients, a role model to her colleagues.

One of Jean Lynn’s coworkers said it best, “her patients love her and she was never too busy to love them in return. She truly cares about each and every one and becomes their advocate in the fight against breast cancer.”

I witnessed Jean’s love of patients and her enthusiasm for service to society during the years my beloved wife, Jo, was in her care at the GW oncology unit, more than a decade ago.

Jean Lynn, a creative health professional, blessed with a restless, pioneering spirit, charted a new frontier in the field of breast health, when she launched the first mobile mammogram program in Washington, D.C., designed to reach women in the under served community. She is founder of the Harvest Moon Classic 10 K Run/5 K Walk, to increase awareness of breast cancer and to raise funds for the breast care center. Jean also puts her boundless energy to work on behalf of innovative programs to improve women’s health and advocating for legislation to help women diagnosed with breast cancer, but are unable to afford treatment.

From the very beginning of her career as an oncology nurse in the 1970s, Jean Lynn has understood the importance of education, prevention, and early detection of breast cancer. I recall very distinctly during the years when my wife, Jo, was in her care, Jean’s “brain-storming” the need for a special place where women’s concerns for and fears of breast health and breast cancer could be addressed. It would be a monumental task to establish such a facility, but Jean charged forward, developing a business plan, defining the mission of such a center, proposing appropriate staff positions for multi-disciplinary approach to the issue, and secured the funding to establish the Breast Cancer Center. In the process, Jean trained and became certified in 1991 for Mammacare, a comprehensive method of breast self-exam. Later, she became the Associate Director of Training for the Mammatech Corporation, training other Mammacare specialists.

The GW Breast Care Center offers diagnoses of breast cancer and malignant diseases, as well as education and psycho-social support for patients and their families. In addition, Jean Lynn saw the need to establish a resource library specifically dedicated to breast health issues in response to the lack of available information and credible sources—and the need to have such material gathered in one location so that patients and their families can readily access this valuable information.

Jean Lynn’s vision of the mobile mammography program reached fruition in September 1996 when the Mammovan was launched under the sponsorship of the Cancer Research Foundation of America and the GW University Medical Center. The Mammovan travels to corporate sites, as well as neighborhood where many women are uninsured. Over 4,000 women have received screening tests since the mobile program was launched; more than half of the women screened are uninsured and had never previously had a mammogram.

Tributes of gratitude for Jean’s lectures, conferences, mammogram services have poured in from the White House nurse, the World Bank, Walter Reed Army Medical Center, the American Bar Association, Marymount University, and countless individual women for whom Jean Lynn has opened a new window on life with access to breast health care and realistic hope for a healthy future.

Jean truly believes that families come first and is unflaggingly involved in the activities of her children, William and daughter, Kelly, with the loving support of her husband, David Gearin.

Mr. Speaker, I know that Jean Lynn’s tireless pursuit of the very best in breast health care will continue to post milestones of ever-greater achievements in the years to come. I can only say in the words of my late, dear, Jo: “God bless you and love you, Jean Lynn.”

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday, May 15, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Minnesota?

There was no objection.

ADJOURNMENT

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, at 2 o’clock and 7 minutes p.m., under its previous order, the House adjourned until tomorrow, Tuesday, May 15, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

1884. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Pesticide Tolerance [2001 Ongoing]—FRL-6781-4 (RIN: 0075-AK72) received March 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1885. A letter from the Deputy Secretary, Department of Defense, transmitting the National Defense Stockpile Requirements Report for 2001, pursuant to 50 U.S.C. 99b-5; to the Committee on Armed Services.

1886. A letter from the Principal Deputy Under Secretary, Acquisition and Technology, Department of Defense, transmitting a letter submitting revisions to both the FY 2001 and FY 2002 Annual Materials Plans (AMPs); to the Committee on Armed Services.

1887. A letter from the Deputy Secretary, Department of Defense, transmitting a letter regarding the Secretary’s report pursuant to Section 374 of Public Law 106-386, the Floyd D. Spence National Defense Authorization Act for FY 2001 which was due on March 15, 2001, will now be submitted along with additional data; to the Committee on Armed Services.

1888. A letter from the Deputy Secretary, Department of Defense, transmitting a letter regarding a report on the warranty claims recovery pilot program; to the Committee on Armed Services.

1889. A letter from the Acting Assistant Secretary, Department of Defense, transmitting an amendment report on TRICARE Management and Custodial Care Programs required by Section 703, of the National Defense Authorization Act for FY 2000; to the Committee on Armed Services.

1890. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting a draft of proposed legislation, “To amend the Export-Import Bank Act of 1945, as amended”; to the Committee on Financial Services.

1891. A letter from the Acting Assistant Secretary, OSHA, Department of Labor, transmitting the Department’s final rule—Ergonomics Program [Docket No. S-77]-FRL-6977-3 received May 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1892. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Approval of Revisions to Volatile Organic Compounds Regulations and Miscellaneous Revisions [MD 064/118/119/3020]-FRL-6973-3 received May 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1893. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Allocation of Fiscal Year 2001 Youth and the Environment Training and Employment Program Funds—received May 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


1895. A letter from the Chairman, Commission on International Religious Freedom, transmitting the Commission’s Annual Report, pursuant to 22 U.S.C. 6412 Public Law 105-292 section 102; to the Committee on International Relations.

1896. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the Board’s annual report for fiscal year 2000, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

1897. A letter from the Interim Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the agency’s FY 2002 Budget Request and Annual Performance Plan; to the Committee on Government Reform.

1898. A letter from the Secretary, Department of Agriculture, transmitting the Department’s Annual Program Performance Report for FY 2000; to the Committee on Government Reform.

1899. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1900. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report
pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.


1992. A letter from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1993. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on December 4, 2000 as a result of a catastrophic snowstorm which severely impacted the State of New York on November 19-21, 2000, pursuant to 5 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

1994. A letter from the Acting Assistant Secretary of the Army, Department of Defense, transmitting the Department’s final rule—United States Marine Corps Restricted Area, northeast of Carolina, and vicinity—received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1995. A letter from the Acting Secretary of the Army, Department of Defense, transmitting the feasibility report and environmental assessment for the Schofield, Kaberry, NY, pursuant to Section 104(a)(30) of the Water Resources Development Act (WRDA) of 1998; to the Committee on Transportation and Infrastructure.

1996. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of an alteration prospectus for the Federal Trade Commission building in Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

1997. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of the fiscal year 2002 Public Buildings Service Capital Investment and Leasing Program, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

1998. A letter from the Director, Office of Regulations Management, Department of Veterans’ Affairs, transmitting the Department’s final rule—Reasonable Charges for Medical Care or Services (RIN: 2800-0K78) received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.

1999. A letter from the Director, Office of Regulations Management, Department of Veterans’ Affairs, transmitting the Department’s final rule—Reasonable Charges for Medical Care or Services (RIN: 2800-0K78) received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.

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REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

By Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1. A bill to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, with an amendment (Rept. 107-63, Pt. 1); referred to the Committee on the Judiciary for a period ending not later than May 15, 2001, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia: H.R. 1824. A bill to increase the rate of pay for certain offices and positions within the judiciary of the Government, respectively, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period ending not later than May 15, 2001, for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT: H.R. 1825. A bill to amend the Federal Land Management Policy Act of 1976, and for other purposes; to the Committee on the Judiciary.

By Mr. DUNCAN: H.R. 1826. A bill to amend the Higher Education Act of 1965 to reauthorize the Alternate Routes to Teacher Certification and Licensure program; to the Committee on Education and the Workforce.

By Mr. HUTCHINSON (for himself, Mr. LAHAN, Mr. HILL, Mr. HARRISON, Mr. BLAIR, Mr. SEARS, Mr. OBERSTAR, Mr. BLICKENSTEDT, Mr. BONHAM, Mr. HAMM, Mr. ERICKSON, and Mr. WEINER): H.R. 1827. A bill to require the President to report annually to Congress on the effects of the imposition of unilateral economic sanctions by the United States; to the Committee on International Relations, in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

Mrs. THURMAN, Ms. BROWN of Florida, Mr. FOLLEY, Mr. BOYD, Mr. LEWIS of Georgia, Mr. ISAKSON, Mr. DEAL of Georgia, Mr. BISHOP, Mr. KINGSTONE, Mr. CHAMBLISS, Mrs. MCKINNEY, Mr. NORWOOD, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. FLETCHER, Mr. LEWIS of Kentucky, Mr. LUCAS of Indiana, Mr. PICKERING, Mr. VITTER, Mr. MCCONNELL, Mr. COOKSEY, Mr. JEFFERSON, Mr. JOHN, Mr. TAUCIN, Mr. OLIVER, Mr. NEAL of Massachusetts, Mr. WYNN, Mr. BARTLETT of Maryland, Mr. HOYER, Mr. GILCHRIST, Mr. CUMMING, Mr. EHRLICH, Mrs. MORELLA, Mr. CARDIN, Mr. BALETTI, Mr. ALLIN, Mr. AKIN, Mrs. EMERSON, Mr. HULSHOF, Mr. GRAVET, Mr. BLUNT, Mr. McCauly, Mr. MOORE, Mr. SKELTON, Mr. TAYLOR of Mississippi, Mr. PICKERING, Mr. WICKER, Mr. SHOWS, Mr. THOMPSON of Mississippi, Mr. McVey, Mr. PRICE of North Carolina, Mr. BALLINGER, Mrs. MYRICK, Mr. HAYES, Mr. BURR of North Carolina, Mr. WATT of North Carolina, Mr. HOBSON, Mr. TAYLOR of North Carolina, Mr. JONES of North Carolina, Mr. BASS, Mr. ANDREWS, Mr. FERGUSON, Mr. FREIHOFF, Mr. SANTOSTEFANO, Mr. SAXTON, Mr. HOLT, Mr. LOBONDO, Mr. ACKERMAN, Mr. FOSSELLA, Mr. ENGEL, Mr. GIROUX, Mrs. KELLY, Mr. KING, Mr. LAFLER, Mr. ECKSTEIN, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. MEES of New York, Mr. NADLER, Mr. RANGEL, Mr. REYNOLDS, Mr. SLAUGHTER, Mr. TOWNS, Mr. GILMAN, Mr. QUINN, Mr. WALSH, Mr. BOEHLEST, Mr. HOUGHTON, Mr. MCHUGH, Mr. SCOW, Mr. CHRIST, Mr. HUNCHEY, Mr. WINEER, Mr. ISRAEL, Mr. LATOURETTE, Mr. WATKINS, Mr. CARSON of Oklahoma, Mr. HERSHEY, Mr. WELDON of Pennsylvania, Mr. FITTS, Mr. ENGLISH, Mr. PETERSON of Pennsylvania, Ms. HART, Mr. MASCARA, Mr. KANJORSKI, Mr. DOYLE, Mr. HOEPFEL, Mr. HOLDEN, Mr. PLATTS, Mr. GEKAS, Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. FATTAH, Mr. KENNEDY of Rhode Island, Mr. LANGEVIN, Mr. LYNETT, Mr. SYENCE, Mr. SPRAWT, Mr. GRAHAM, Mr. JENKINS, Mr. FORD, Mr. HILLEARY, Mr. WAMP, Mr. TANNER, Mr. TURNER, Mr. JACKSON-LEE, Mr. GONZALEZ, Mr. CUMMINS, Mr. SANDLIN, Mr. BENTSEN, Mr. CHENIER, Mr. GOODE, Mr. WOLF, Mr. SCOTT, Mr. SANDERS, Mr. RHALL, Mr. MOLLON, Mrs. CAPITO, and Mr. FROST): H.R. 1827. A bill to require the President to report annually to Congress on the effects of the imposition of unilateral economic sanctions by the United States; to the Committee on International Relations, in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAWYER: H.R. 1828. A bill to reaffirm the value of the dairy industry to the United States economy and to the rural areas of the United States; to the Committee on Agriculture, in addition to the Committees on Appropriations and the Workforce.

By Mr. SCOTT: H.R. 1829. A bill to reauthorize the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. SAWYER: H.R. 1828. A bill to reaffirm the value of the dairy industry to the United States economy and to the rural areas of the United States; to the Committee on Agriculture, in addition to the Committees on Appropriations and the Workforce.

By Mr. SCOTT: H.R. 1829. A bill to reauthorize the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Interstate Dairy Compact; to the Committee on the Judiciary.
53. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Senate Joint Resolution 8019 memorializing the Secretary of Agriculture to review federal credit policies regarding the conservation reserve enhancement program and alter those policies to allow the inclusion in the program of lands that are currently used to produce perennial horticultural crops; to the Committee on Agriculture.

54. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Resolution 126 memorializing the United States Congress to reintroduce and pass the New Markets for State-Inspected Meat Act as a means of assisting small meat-packing operations and to restore fairness to the meat industry in this country; to the Committee on Agriculture.

55. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution 44 memorializing the United States Congress for federal intervention to stabilize wholesale electricity prices in the west; to the Committee on Energy and Commerce.

56. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 7 memorializing the United States Congress to support the amendment to 42 U.S.C. Section 1399p (Liens, Adjustments and Recoveries), to exempt veterans in State Veterans Homes from having liens placed on their property if they participate in the Medicaid Program; to the Committee on Energy and Commerce.

57. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 9 memorializing the United States Congress to urge the Secretary of State or other appropriate officials, to facilitate discussions between the interested parties in order to provide redress for the American soldiers who were taken as prisoners of war by the Japanese government during World War II and forced to perform slave labor under inhumane conditions for the benefit of private Japanese companies; to the Committee on International Relations.

58. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolution No. 5 memorializing the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production; to the Committee on Resources.

59. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 4 memorializing the United States Congress to direct the National Park Service to stop closing land to hunting within the expanded Craters of the Moon National Monument; to the Committee on Resources.

60. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 5 memorializing the United States Congress that wolf recovery efforts in Idaho be discontinued immediately, and wolves be removed by whatever means necessary; to the Committee on Resources.

61. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 8 memorializing the United States Congress to take actions deemed necessary to halt the abuses of the Clearwater Basin Elk Initiative; to the Committee on Resources.

62. Also, a memorial of the Senate of the Commonwealth of The Mariana Islands, relative to Senate Resolution No. 12-33 memorializing the United States Congress to adopt an amendment to the Constitution of the United States, to add a new article on the Subject of Judicial Taxation; to the Committee on the Judiciary.

63. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 6 memorializing the United States Congress to support congressional enactment of federal property rights legislation which would at a minimum include codification of the requirements of Executive Order 12630; to the Committee on the Judiciary.

64. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 63 memorializing the United States Congress to investigate airline pricing, especially in markets where mergers have eroded competition; to the Committee on Transportation and Infrastructure.

65. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 2 memorializing the United States Congress to restore the daily passenger rail service of the Pioneer; to the Committee on Transportation and Infrastructure.

66. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial 8016 memorializing the United States Congress to emphasize the importance of the free and fair trade of upland aquacultural products in its relations with the government of Canada; to the Committee on Ways and Means.

67. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 10 memorializing the United States Congress that we endorse President George W. Bush’s plan for cutting taxes and we respectfully request that Congress enact necessary measures to implement the President’s tax relief plan; to the Committee on Ways and Means.

68. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 1 memorializing the United States Congress to make it so no amendments or other modifications be made to the Electoral College system and that the Electoral College be continued in its present form for all future presidential elections; jointly to the Committees on House Administration and the Judiciary.

69. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution 6 memorializing the United States Congress to refrain from enacting any measure to repeal the ability of Nevada to license and regulate pari-mutuel wagering in its current form and to enact the National Collegiate and Amateur Athletic Protection Act of 2001; jointly to the Committees on the Judiciary and Education and the Workforce.

70. Also, a memorial of the Legislature of the State of New Mexico, relative to House Joint Memorial 60 memorializing the United States Congress to strengthen requirements for inspection and maintenance of all pipelines that carry potentially dangerous, explosive or environmentally hazardous substances; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. Res. 31: Mr. SKEEN.
H. Res. 394: Mr. MCHUGH, Mr. RINBERG, and Mr. SMITH of New Jersey.
H. Res. 612: Mr. SCOTT, Mr. GONZALEZ, Ms. DEGETTE, Ms. BROWN of Florida, Mr. HONDA, and Mr. PAYNE.
H. Res. 622: Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Minnesota, Ms. MCKINNEY, Mr. OWENS, Mr. ROGERS of Kentucky, Mr. ISSA, and Ms. NOETZEN.
H. Res. 638: Mr. FALLONE.
H. Res. 746: Mr. MORAN of Kansas.
H. Res. 968: Mr. BONILLA, Mr. FORD, Mr. UNDERWOOD, Mr. BRADY of Pennsylvania, Mr. GILCHREST, Mr. SCHROCK, Mr. BOSWELLI, Mr. FRANK, Mrs. CHRISTENSEN, Mr. HINOJOSA, Mr. REHBERG, Mr. HOFFFELD, Mr. QUINN, Ms. WATERS, Mr. SPRATTT, Mr. WELDON of Florida, Mr. HAYES, Mr. LATHAM, and Mr. KOUBE.
H. Res. 1090: Mr. ENGLISH, Mr. GORDON, Mr. BONILLA, Ms. HOOLEY of Oregon, and Mr. RYAN of Kansas.
H. Res. 1151: Mr. HYDE.
H. Res. 1330: Mr. WHITFIELD.
H. Res. 1331: Mr. OSE, Mr. CALVERT, Mr. HYDE, and Mr. FURCE.
H. Res. 1496: Ms. BROWN of Florida.
H. Res. 1545: Mr. ISAKSON.
H. Res. 1553: Mr. SMITH of Texas, Mrs. TAUSCHER, and Mr. McDERMOTT.
H. Res. 1644: Mr. TAYLOR of Mississippi, Mr. LUCAS of Kentucky, Mr. STEINHOLM, Mr. PETTerson of Minnesota, Mr. LINDER, Mr. HORENSTRA, Mr. ISTOOK, Mr. HAYES, Mr. SCARBOROUGH, Mr. VANDYKK, Mr. HAMP, Mr. HULSHOF, Mr. STEARNS, Mr. COOKSEY, Mr. GARY G. MILLER of California, Mr. KELLNER, and Mr. FURCE.
H. Res. 1751: Mr. SPRATTT, Mrs. BONO, and Mr. LARSON of Connecticut.
H. Res. 1802: Mr. CARDIN.
H. Con. Res. 4: Mr. ROTHMAN and Ms. ROS-LeHTINEN.
H. Con. Res. 81: Mr. Berman and Mr. KILDER.
H. Res. 116: Mr. BRADY of Texas, Mr. ENGLISH, Mr. FORSELLA, Mr. ISAKSON, Ms. KAPTUR, Mr. KINGTON, Mrs. McCARTHY of New York, Ms. MCCOLLUM, Mrs. MINK of Hawaii, Mr. NEAL of Massachusetts, Mr. PLATTS, Mr. RAMSFAD, Ms. REYES, Mr. ROGERS of Michigan, and Mr. SHIMKUS.
The Senate met at 12 noon and was called to order by the Honorable Pat Roberts, a Senator from the State of Kansas.

PRAYER
The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:
Almighty God, a week of responsibilities stretches out before us. As we face them, we thank You for Winston Churchill’s reminder that “the price of greatness is responsibility.” Father, You have entrusted the Senators with heavy responsibilities. Thank You that You will not ask more from them than You will give the strength to carry. Help them to draw on Your artesian wells of wisdom, insight, discernment, and vision. Be with them in the lonely hours of decisionmaking, of conflict over issues, and the ruthless demands of overloaded schedules. Tenderly whisper in their souls the reassurance, “I have placed you here and will not leave you, nor forsake you.” In Your grace, be with their families; watch over them; and reassure the Senators that You care for the loved ones of those who assume heavy responsibilities for You. May responsibility come to mean “responsability.” A response of trust in You to carry out what You have entrusted to them. In the name of Him who lifts burdens and carries the load. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Harry Reid, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The Presiding Officer. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Thurmond).

The assistant legislative clerk read the following letter:

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Pat Roberts, a Senator from the State of Kansas, to perform the duties of the Chair.

Strom Thurmond, President pro tempore.

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

RESERVATION OF LEADER TIME
The Acting President pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS
The Acting President pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Illinois, Mr. Durbin, or his designee.

The distinguished Senator from Nevada is recognized.

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

The Acting President pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. 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. The distinguished Senator from Oregon is recognized.

ENERGY POLICY
Mr. WYDEN. Mr. President, the people of this country always come through when there are tough problems, as long as they know everyone is pitching in and doing their fair share. That is the problem with much of what is coming out of Washington, DC, today, when it comes to this country’s energy policy. Oregonians are telling me, for example, at townhall meetings what alarms them about the energy debate in Washington, DC, is that it seems everybody is supposed to tighten their belt except for the powerful. I don’t believe that passes the fairness test for most Americans. Even business leaders at home tell me the country just is not going to rally behind an energy plan that is not balanced, an energy plan that does not say: Everybody has to do their fair share.

There is not a whole lot of balance in a plan that would open up the Arctic National Wildlife Refuge to drilling now, although it will not produce any gas for at least 8 to 10 years, when our consumers are getting clobbered at the gas pump today.

Where is the balance in a plan that would provide large new tax breaks for the energy industry and tells consumers the answer is to spend their much needed tax relief to prop up ill-conceived energy policies? Where is the balance in a plan that would provide large new tax breaks for the energy industry and tells consumers the answer is to spend their much needed tax relief to prop up ill-conceived energy policies is the ultimate in throwing good money after bad.

I want to take a few minutes to talk about where I think Congress ought to go with respect to the energy issue and what could constitute some of the core principles of an effective bipartisan energy policy.
First, it is time to provide significant and real financial rewards for conservation. Everybody talks about conservation. We all know it makes sense to conserve energy. But there are very few actual financial rewards for conserving. I think it is time to put real dollars on the line so that we are willing to make the tough decisions with respect to conservation. For example, if it is a hardship to move your energy use from peak hours to times when demand is lower, let’s reward that financially. Let’s reward real-time pricing so you take steps that are meaningful to decrease electric power shortages that are now causing price spikes and blackouts.

Second, I think it is time to lift the veil of secrecy around energy markets in this country. It is clear that energy is being commoditized, but it is not possible to get real information about supply and demand and transmission, which is what is needed when energy is being bought and sold in markets all across this country.

In electricity markets today, power is, in fact, being traded as a commodity, but basic information about how electric power systems and markets operate is unavailable in much of the United States. If electricity is going to be traded as a commodity, let the Congress take steps to ensure access to information so those markets can function efficiently.

I intend to introduce legislation shortly to ensure that Americans in every part of this country can get access to information about transmission capability, outages, and the information that is needed to be in a position to make energy markets work in a fair way.

Third, to encourage responsible power production, reward developers who demonstrate a commitment to good environmental policy. I do not think energy production and meeting tough environmental standards by moving them to the head of the line, the head of the queue for permits. This country needs new powerplants.

Fourth, we need to bring free enterprise back into the energy markets. In my home State of Oregon, four companies essentially control 70 percent of the gas that is sold at the pump. I believe if there were real competition at the gas pump, prices would come down. Competition works in Oregon and across this country. But a variety of anti-competitive practices are keeping competition out of the oil industry. I do not think it is an accident that people of my State have lost more than 600 gasoline stations in just a few years. It is true in much of the country that three or four companies control delivery of gas at the pump. Unfortunately, the Federal Government seems to have taken the position with respect to competition that we have a handful of big energy producers huddled up, say, at a steak house in a downtown hotel dividing up energy markets, there is really nothing wrong. In fact, we were told that even though west coast gasoline markets are being redlined—there is significant evidence that those west coast gasoline markets are being redlined—the Federal Government is not prepared, under the laws as written today, to take significant action to deal with it.

Just because something is not illegal doesn’t mean it is not anti-consumer and that it does not have anti-competitive ramifications. So I think it is extremely important we look now to steps that actually produce competition in the gasoline markets rather than to conclude that just because you do not have energy producers huddled up at a steak house dividing markets everything is all right.

Finally, it seems to me that good science ought to be the basis of a bipartisan effort to address our energy predicament in this country. The Vice President recently stated the United States has to build 1,300 powerplants to meet projected increases in demand for energy over the next 20 years. However, scientists at the Energy Department’s National Laboratories recently said that new technologies could reduce projected growth in energy demand by 20 percent to 47 percent, which could translate into as many as 600 fewer powerplants.

Certainly on a bipartisan basis this Senate can agree that we cannot ignore the science. More efficient transmission lines, moving away from the old model of a central powerplant and towards cleaner energy with combustion-free fuel technology is just one of the options available. When it comes to the oil and gas sector, that fuel cell technology could be making cars run cleaner and more efficiently within a few years. Instead of subsidizing the old fossil fuel industries with an energy proposal that says, go do your thing, our energy policy could be jump-starting a variety of renewable energy technologies with real promise for the future.

I am pleased to be joined by Senators THOMAS, Domenici, Johnson, Roberts, and Nelson from Nebraska to bring forward the opportunity for us to strengthen medical provisions for mental health in rural States in particular. Certainly, as I might imagine, rural States have many unique problems. We have small towns and small cities where not all medical specialties are present. We
have to build sort of a network of health care for small towns. One of the things that has been most difficult to provide in those rural areas is mental health in small towns where kids need some counseling, and where there are real problems with no one there who is a special health care provider.

This Rural Mental Health Accessibility Act reflects on those unique needs and provides States and local communities flexibility.

The Federal programs that assist in health care needs in Wyoming are different than they are in Pennsylvania, or in Rhode Island. We need to have flexibility in all cases, particularly in the case of mental health which is more of a specialty.

This act provides for creative and collaborative provider education to help provide education for the mental health care provider so they can come to those rural areas and give some assistance in education.

It is very easy to move to mental services to vulnerable children and seniors in uninsured rural areas throughout these States.

Certainly the circumstances are unique. With the stigma associated with mental illness, people do not seek the services. They are not handled there, and it cannot be done easily.

Seventy-five percent of the 518 nationally designated mental health professional shortage areas are located in rural areas. Which, I guess, is not hard to understand.

One-fifth of all rural communities have no mental health services of any kind.

Frontier communities have even more drastic numbers. Ninety-five percent have no psychiatrist. Sixty-eight percent have no psychologists. Seventy-eight percent have no social workers.

You can see that it is really necessary to have a network where people can move around to provide the services that the communities do not have.

Suicide rates among rural children and adolescents are higher in urban areas. That is a very surprising statistic. We don’t think of that way. In fact, it is true.

Twenty percent of the Nation’s elderly population lives in rural areas. Only 9 percent of our Nation’s physicians practice in rural areas.

Often times, primary care physicians are the only ones who are the source of treatment in these particular areas.

Primary care physicians do not necessarily have the specialized training in terms of mental health.

To address these issues, this bill does the following: Create the Mental Health Community Education Grant Program; States and communities to conduct targeted public education campaigns focused on mental illness, focused on suicide, and focused on substance abuse. These are things that all communities to some extent are trying to keep out of the public eye, kind of acting as if it really isn’t true. But, in reality, we know that it is, and especially in rural communities.

I must tell you, frankly, that I am surprised at the suicide rate in the rural State such as Wyoming, which is higher than most places. It really points out that the need for mental health services that we are hoping to provide.

It creates an Interdisciplinary Grant Program; permits universities and other entities to establish interdisciplinary training programs so they can provide personnel for training for these kinds of mental providers.

Mental health and primary care providers are taught side by side in the classroom, so that with clinical training in rural areas we can help provide for all of these kinds of needs that exist. We encourage more collaboration, certainly, amongst providers, so we can have this network we talk about.

It actually authorizes $30 million for 20 mental telehealth demonstration projects. And it is equally divided. I think as we get more and more into high-tech telemedicine, it will be even more important. Of course, to do that you have to have equipment, you have to have people on both ends who have some training to provide these kinds of services.

It provides mental health services to children and elderly residents at long-term care facilities located in mental health shortage areas.

Projects also provide mental illness education and targeted instruction on coping and dealing with the stressful experiences of childhood, adolescence and aging. One might even think it is appropriate where we have some of the kinds of problems we have in public schools. There is often the necessity to have help in these stressful experiences.

It requires a study. The Director of the National Institute of Mental Health US Policy will report to Congress on the efficacy and effectiveness of mental telemedicine.

So I think it is something that is very much needed, something we can help provide in communities where it does not now exist. Frankly, without some special assistance, it probably will not exist in the foreseeable future.

There are a number of supporting organizations. The Rural Mental Health Accessibility Act has been supported by the National Rural Health Association, the National Alliance for the Mentally Ill, the American Psychiatric Association, and the American Psychological Association.

So I believe it is critically important that we consider this legislation as we talk about health care. Again, I cannot overemphasize the need for flexibility and taking a look at all the areas to be served. It is one thing to serve in a downtown, metropolitan center—and they have their difficulties, of course—but it is also difficult to serve in Medicine Bow, WY, where you have to reach out from somewhere else to bring in people to provide these kinds of services.

So, first of all, I thank the President for being a sponsor, but also I thank him for the time and the support he has given to helping those in need of health care and mental health care. I appreciate that.

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

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. Nelson of Nebraska). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I believe we are in an hour of time allocated to the Senator from Wyoming. The PRESIDING OFFICER. Under the previous order, the time until 2 p.m. is under the control of the Senator from Wyoming, Mr. Thomas, or his designee.

TAXES

Mr. THOMAS. Mr. President. I rise to talk, again, about taxes.

The legislation now before the Senate includes education, which we will be debating this afternoon and which we will be working on until the tax bill comes from the committee, and taxes—probably two of the most important issues the Senate will address this year. Certainly everyone is most interested in education, and there are a number of broad topics within education that are legitimate to discuss. One of them is the role of the Federal Government in financing education.

Most would agree that the basic responsibility for elementary and secondary education lies with local government and State government. Traditionally, the Federal Government has provided about 9 percent of the total financing for education. It is an important contribution but certainly a relatively small one in terms of the total cost.

One of the other issues will be that of deciding how much flexibility there will be in terms of expending Federal money made available, whether or not, as was the case in the last administration, where the dollars were allocated to education were generally assigned to the State and the State determined, either for smaller classrooms or for building improvements, new buildings, in reality, the real decision to how money is used is by local districts ought to be what the way local leaders believe they should be.

The needs are quite different in one place or another. I come from a State of small communities. The needs there are quite different often than they would be in, for example, in downtown Pittsburgh, PA. We need flexibility.

There will also be and there have been, in fact, great discussions about the amount of money that ought to be
spent and, more importantly, how we are able to have accountability in terms of the dollars that are spent to see, in fact, if those dollars that are being spent are creating a better education opportunity for children. We will be back on that later. We should be.

Of course, with any program we discuss comes the question of taxes. We find ourselves in an interesting position, a somewhat enviable position of having a projected surplus over time, a substantial surplus over the next 10 years, a surplus each year during that time. There is some question if that can be counted on. Whenever you project into the future, there is always an element of uncertainty. Nevertheless, we have to make decisions in the future. Whether one is in business, whether it is a family, whatever, we have to make decisions for the future. Sometimes they are not exactly the same, but I feel confident, as do the people involved in the projections, that this is a fairly modest projection in terms of the surplus over time.

There are broad issues involved, and great detail in taxes, obviously, but there are some concepts that ought to be debated: What kind of taxing limits should be placed on people; should we have taxes that offset what we believe are the fundamental costs, the necessary activities of the Federal Government? I am sure not everyone would agree on what those necessary activities are. Nevertheless, if you have a surplus in Washington, beyond the needs the Congress has adjudicated to these items, you can bet your life it will be spent. Then you ask: What should be the concept? Where do we want to be down the road? Do we want more and more Federal Government? Do we want to spend on all the programs? Do we want to be somewhat conservative and try to make a decision as to which programs are best done at the Federal level and which decisions are best left to local governments and people and taxpayers themselves?

These are some of the philosophical issues that lie behind the debate. We argue all the time as to whether or not it will be $20 million or $50 million or $1 billion for this. Before that, we ought to establish in our own minds what the role of taxation is at the Federal level. Are we there to support the necessary and needed programs? If not, there is no end to the amount of money that can be spent. Then there is the question of simplification, particularly around April 15. How can we make tax laws more simplified: how can we make it easier; how can we get away from all of the pages of activities taxpayers have to go through? But at the same time we talk about that, we will have 20 or 30 different ideas on this floor during the next two months as to how to do it. We ought to have a tax break for this or a tax incentive for that, to the point where we almost become more involved in using taxes as a method of impacting behavior and directing behavior than we do to using it as an income source to pay for basic services. Again, there is a difference of view about that. We will see a great deal of that.

The other area, of course, is, as we look into tax reductions and surpluses, we have to ask: What are the things we really need to be careful about? One, obviously, is to have the money to fund those programs that are decided to be essential programs: defense, education, and all of those.

Recall that almost two-thirds of the budget is nondiscretionary. Almost two-thirds of the budget is already predetermined. It is Social Security, health care; it is Medicare. It is those things for which there are not alternatives to be decided each year. Out of a $1.9 trillion budget, we make determinations for about $661 billion. So there are some basic things we talk about.

The President has put forth a plan. He has, obviously, indicated the two areas of his highest priority: education and tax reductions, with the general concept that taxpayers ought not to be asked to send more money to Washington than is necessary to carry out the functions of the Government.

His plan is to give a tax cut to every family that pays income taxes. He reduces the current tax brackets by reducing them to lower rates: 39 to 33, 15 to 10, and so on, so everyone who pays taxes would have a tax reduction. He doubles the child credit to a $1,000 and reduces the marriage penalty. That is really a fairness issue.

The idea that a man and a woman who are single have two jobs, earn X amount of dollars, pay X amount of taxes, they are married, they continue to make the same amount of money, but they pay more taxes, is a fairness issue and one that needs to be dealt with.

Under his plan, one in five taxpayers and families with children would no longer pay any income tax at all, completely removing 6 million Americans from the tax rolls. Remember that there is a large percentage of Americans who don’t pay Federal income tax. Families of four making $35,000 would have a 100 percent tax reduction in what they pay, and on up. So, of course, the more taxes that are paid, logically the reduction would accommodate more reduction in dollars. That is the case.

We need tax reductions, obviously, because our taxes are the highest we have paid as a percentage of gross national product since even in World War II—higher than that now. Obviously, we have asked taxpayers to send more of their money into Washington than is necessary to provide the essential functions. And therefore, a tax reduction is legitimate—not only legitimate now, but it would be needed as a result of the economy slowdown because of the economy downturn, the economy stabilization, whichever it is, the lack of growth that we have had, and certainly having less taxes paid and more money available to be used by the taxpayers themselves—their money. It will help that economic turnaround.

It also deals with debt reduction. We have a very large debt of course—about $2.5 trillion in publicly held debt as opposed to Social Security. It is debt that has been placed because of you, me, and all of us who are now adults. If we don’t do something, it will have to be paid for by the young people who are beginning to have their first pay checks; 12½ percent of their earnings will be withheld to pay for a debt we helped to create.

Over this 10-year period, about $1.5 trillion of that would be reduced, leaving about $800 million. That is a tremendously large number. But, as a matter of fact, that is about all that is eligible to be removed over that time because it is held and secured. So we would have debt reduction in this plan. The debt reduction now held in private hands is $2.4 trillion, reduced to $800 billion. That is a pretty good reduction. We would have relief for every taxpayer—$1.35 trillion over 11 years would be reduced in terms of taxpayers having to send their money to the Federal Government.

In addition to that, there would be an immediate surplus this year of about $100 billion—for the next 2 years—that could be used to reduce the tax payer more quickly so it could be put back into the private sector and help strengthen the economy. At the same time, we have commitments to protect seniors for today and tomorrow—the $2.5 trillion of Social Security. That portion of Social Security that comes in during this time would be set aside for Social Security so that we would be able to meet our obligations there. And, of course, there are some discussions going on about some changes in Social Security. To increase the amount of moneys that would be there. The budget includes $300 billion for a reserve fund for reforming Medicare, which needs to be done, of course, and to have an opportunity to make Medicare more useful, make Medicare more easily useful and accessible. One of the issues would be to create a prescription drug benefit. Hopefully, that would be done, as well, at the same time some changes are made in Medicare so that it will fit together.

At the same time, there would be sufficient spending increases. Discretionary spending in this year’s budget would be 5 percent. Somebody on the news said today that was below inflation, which isn’t the case. Five percent is inflationary growth—in fact, beyond that. It would boost the veterans fund over 10 years, veterans hospitals, for veterans retirement, for doing those kinds of things. It raises defense spending, which I think is needed. Certainly, we need to remove too many people in military, the payments to those folks, the payrolls need to be competitive somewhat to what you could do in the
private sector. This is needed so that people don’t get trained in the military for a specialized job and then leave for more pay in the private sector. So defense spending would be increased.

It provides for $80 billion over 10 years to go to farmers and ranchers. We are in the process, during the next year, of coming up with a new farm bill before the one now in place runs out. There will be something to replace that. Hopefully, an effort will continue to innovate and do a marketplace in agriculture but also to provide some kind of a safety net so we don’t go through the sort of trauma that we have over the last several years.

It also expands child tax credits and earned income tax credits—an $18 billion increase over that time. So there are a lot of great details that could be talked about, obviously, and will be talked about, and indeed should be talked about.

The real question is, If you have a surplus, what should you do with it? You should certainly accommodate those things that are high necessities and priorities in the budget, and then you ought to return that money to the taxpayers, the people who paid it in. That is the point. You ought to be able to understand that it is really the responsibility of the Federal Government to provide these programs but not to excessively spend the money that could very well be either spent by the taxpayer or, indeed, if there are special programs that need to be done, we would make an opportunity for the States and local governments to make the taxation they need so the things could be done there.

Mr. President, we are going to enter into a very lively debate. I suppose taxes and budgets probably personify as well as any other thing the differences in view about how people would approach governance. That is perfectly legitimate. That is what this place is for, to talk about differences in view. There are those who think that we ought to be spending much more on the Federal Government; the Federal Government ought to be funding every need that exists; and the Federal Government ought to grow and have more expansion into people’s lives. I am one of the others who believe there ought to be a limitation on the role of the Federal Government, that government, indeed, is the kind of governance that is best, and we ought to tax to the extent necessary to pay for those functions. But when it is beyond that, we ought to do something about leaving taxpayers’ money in the taxpayer’s pockets.

There are the decisions that are before us. Those are the decisions that we will be dealing with, hopefully, this week, certainly next week, and they are tough. I just hope that we have an opportunity. We have a 50-50 Senate now, which is a unusual division of parties, and somewhat of an unusual division philosophically. Yet our challenge is to come together with something that is good for the country. Nobody would argue with that. But everybody has a different view of what is good.

I hear people say you need to do it “the right way.” I don’t know of anybody who wants to do it the wrong way.

There are differing views and there should be. The President has laid out a program that is quite good. There are those who would like to discredit the President’s program, of course, in order to create their political ideas. But that is not why we are here. We are here to resolve problems that exist. We are here to govern. That is our job. We need to move forward. We have been a little slow. I think we have to really come to grips with the fact that we are here to make decisions, to move forward, to do something with education, to do something with taxes, and we are here to take on many of the other issues.

Mr. President, I think there will be others joining me in a few moments. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, it is my understanding we are in a period for morning business.

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

The PRESIDING OFFICER. The Senator is correct.

TAX RELIEF

Mr. CRAIG. Mr. President, today I join with several of my colleagues to talk about an issue that has dominated the Senate and the Congress of the United States for many months. That is the tax burden. That is the tax rate. That is the tax benefit. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CRAIG. Mr. President, today I join with several of my colleagues to talk about an issue that has dominated the Senate and the Congress of the United States for many months. That is the tax burden. That is the tax rate. That is the tax benefit. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator is correct.

According to the Tax Foundation, May 3 was tax freedom day this year. In other words, the average working American had worked from January 1 through May 3 just to pay his or her taxes. Said another way, on May 3, the American worker finally was beginning to earn money in May and therefore to get and provide money for the breakfast table of his or her family.

The average American works the first 123 days—the first one-third of the year, to support the appetite of Government, and still have hearings on this Chamber this past week the siren song saying that appetite was not big enough, that somehow it needed to grow ever increasingly larger.

May 3 is the latest tax freedom day in the history of this country. Tax Freedom Day occurred as early as April 18 in 1992, before the record tax hike enacted in 1993. But from 1992 to now, another half-month has been added to the amount of time the average worker is required just to meet his or her tax obligation.

May 3 is actually a national average because, because it brings in the State and local tax burdens. In Idaho, for example, at least that burden is less than in the other States. And Idaho’s Tax Freedom Day fell on April 25, making its citizens the tenth least taxed group of citizens of any State in the Nation.

There is no wonder Idaho is a fast-growing State. Somehow the word is getting out there. People are moving to Idaho, because of our attitudes about government and the way we manage our government in Idaho, and thanks to my colleague, our Governor, Dirk Kempthorne, who once served with us in the Senate, we tax citizens less, even though we provide adequate government for their needs.

Americans have never been more heavily taxed than they are now. The average American family pays 37 percent of its income on all taxes at all levels, half again as much as our parents paid in the 1950s.

Stop and think about that. Compare the wages, compare the cost of living, compare everything else then relative to now, and yet today taxes have dramatically increased, by about half, compared to our parents’ generation.

No wonder the personal average savings rate in America is now a negative 1 percent. Government is taking away the people’s own savings. It is saving a great deal more than you are saving now. When you are paying 37 percent of your income for taxes at all...
levels, you simply have less to live on, less to save, and, therefore, you are using up what you have for necessities.

The total Federal tax take this year will be 20.7 percent of the total economy. 20.7 percent of the gross domestic product of this country is required to pay for Government, the highest level ever, except for one year, 1944. Of course, we can all remember where the nation was in 1944. We were at the peak of World War II. We had committed our country to saving the world and saving the free world from tyranny and knocking down the powers of fascism. We had committed all of our resources to doing that. Only at that time, compared with now, did we have comparable tax burdens.

In fact, in the six years of highest taxes in American history, two fell during World War II and the other four have been the most recent four.

Where is the war today? Are we committed to saving all of the world from the direct threat of a powerful enemy of the kind we saw in World War II? That is not at all the case. Simply, our Government's domestic appetite has dramatically grown from 1944 to today, and as a result of that, our hard-working Americans have fallen victim to that appetite.

Can anyone seriously claim that the Federal Government is now engaged in a life-and-death struggle, compared to World War II? I don't think so. We have a lot of problems to solve and challenges to meet. There is no doubt about it. We are attempting to address them. On the floor this week we are debating education and are committed to putting a substantial increase in Federal funding into what is a traditional State and local funding priority, to help enhance the ability of State and local educators and education-providers to improve the conditions under which children learn.

Still, on top of all that, we have the opportunity to provide the tax relief that will go a long way toward helping our economy and freeing the American people.

The new budget provides for paying down more than $2.4 trillion worth of debt in the next 10 years. Some Senators said we are going to give all the money back to the taxpayers, that we are not going to deal with the debt. Some of this debt is not as if this debate, somebody did not look at the plain numbers in the budget resolution to recognize that, if we stay this course, over the next 10 years we are paying down $2.4 trillion of that debt. That is nearly twice the amount of tax relief that is in the budget and 50 percent more in debt relief than in the amount of tax relief requested by the President.

So we clearly will have more debt paid down of tax relief. But, in the balance of both, my guess is Alan Greenspan is going to say: “Good job. That means Government will not grow larger. That means the appetite of Government has been curtailed. That means a freeing up of the domestic productive economy of this country, which means that monetary policy and fiscal policy are a good deal more in sync.”

This Senator is glad we are paying down debt. I hope in my time of service here I can turn to my children and grandchildren and say: Of all the things my generation and I have not done for you, there is one good thing we did do for you in my lifetime, and that was to rid our country of debt and therefore to rid you of your obligation as current and future taxpayers of having to respond to that debt by a very large chunk of your tax dollars being consumed by it. That ought to be the responsibility and obligation of my generation. Clearly, we have set a course with this budget and this budget resolution for doing so.

I think we have to go even further than that. The budget already calls for paying down debt at a fast pace - the fastest pace at which the debt can be paid down.

The budget includes overall spending increases of about 5 percent. Frankly, in my State of Idaho, folks are not so sure why Government should grow at all, and it is maybe even too large. There is no question there are some very real needs out there. We are going to meet some of those needs. At the same time, it is important to recognize we can in fact give tax relief and pay down.

This year's tax relief will only be about 5 percent of total revenues over the next 10 years. It will be about one-half of President John Kennedy’s tax cut, adjusted for the times and the size of the economy. Yet we hear people now suggesting this is a devastating tax cut, that this simply destroys the revenue flow of Government. Yet in another era, another time, comparing economies in a fair way, the Kennedy tax cut was not too large. There is no question there are some very real needs out there. We are going to meet some of those needs. At the same time, it is important to recognize we can in fact give tax relief and pay down.

This year’s tax relief will be about a third of the package that was enacted under President Ronald Reagan. Yet of course it was the Ronald Reagan tax cut that fueled the booming economy of the late 1980s.

Mr. CRAIG. Mr. President, let me wrap up. With the passage of the budget, a lot of people in my State and I think in all States, believe it is the right time to return more money to the American people.

For this reason, I ask my colleagues to talk a little about yesterday’s tax surplus and the tax cuts that are on the way. The tax surplus represents an overpayment by taxpayers and should be refunded to those who overpaid. Tax cuts will benefit all Americans by making the economy stronger. Low taxes help reward hard work and save families money. Low taxes provide the fuel for our economy to create new jobs and raise our standard of living. I think it is reasonable to conclude if we raise taxes, just the opposite is going to happen.

In today’s economy, it would be ill advised if we did not make a sincere effort to cut taxes. This allows people to keep their own money and helps our economy. It makes sense. People are in a better position than the Government to know what they believe. I believe in the people’s priorities instead of Washington’s priorities.

This tax cut we are going to be talking about is real money that can be used for things such as helping to buy a home, helping to pay for a college education, or help in purchasing a computer to help the kids through school so they can learn math and become more proficient in English. Some have attempted to shift the focus the tax cuts away from large tax cuts. In fact, tax cuts do not jeopardize debt repayment or the Government’s other obligations.

I would like to take a moment to look at that. The budget that has been proposed now allows the Government to return a major portion of the surplus to its rightful owners, the taxpayers. It continues to pay down our national debt, and it continues to protect Social Security and Medicare surpluses. The Congressional Budget Office forecasts the Government surplus is large enough to allow the Federal Government to retire all available debt held by the public.
I would like to refer my colleagues to my efforts over the past 4 years. Four years ago, I introduced legislation to pay down the debt in 30 years. Then I looked at the amount of revenue that was coming into the Federal Government, paid off this surplus and determined that we ought to be able to pay down this debt within a 20-year period. So I introduced legislation to pay down the debt within 20 years. This year, we are looking at paying down the debt in 10 years and still being able to provide for a $1.6 trillion tax cut.

The Congress has backed off on what was originally proposed by the President and finally agreed on somewhere between $1.35 and $1.4 trillion in tax cuts. Certainly we have allowed ourselves plenty of margin.

The tax bill that is supposed to be coming to the Chamber contain many important provisions. Many of them have been referred to by the President. First, the tax rates are lowered across the board. This will benefit Americans in all categories who pay taxes. This year, taxpayers will get immediate relief when the 15-percent rate is lowered to 10 percent on a significant portion of that income.

The tax bill also lowers the top rate significantly, increases the child tax credit, provides tax relief for education expenses, and eliminates the death tax. I am particularly pleased to support repeal of the death tax.

The United States retains among the highest estate taxes in the world, and top estate tax rates can reach over 55 percent. This is money that was already taxed when it was earned.

The estate tax can destroy a family business. This is the most disturbing aspect of the tax. No American family should lose its business because of the estate tax.

Similarly, more and more large ranches and farms are facing the prospect of breakup and sale to developers in order to pay the estate tax. We feel it particularly in Colorado, especially because of the rapid growth and demand for real estate in Colorado.

One change which is not included is a reduction in the capital gains tax. I hope that this can be added to this tax bill or one later in the year. This change would actually increase revenue to the Treasury.

I support a reduction in the top rate from 20 to 14 or 15 percent. I also believe the bill should include indexing so that taxes are paid only on real capital gains, not those which result only from inflation.

In 1997 we reduced the capital gains tax from 28 to 20 percent. Many of us recall the debate over whether this would raise or lower revenues. We now have the answer—revenues from capital gains increased dramatically after the rate cut.

In fact, in just the 4 years since the rate cut, 1997 through 2000, the Government has received $200 billion more capital gains revenue than forecast before the rate cut.

That is $200 billion of added revenue in just 4 years. I think the Tax Foundation does some very good work. I have been looking at a chart that was put out by the Tax Foundation.

From April 18 through May 9—within a period of a little less than a decade, I think this is a phenomenal amount of revenue increase that has come from working Americans.

Of the 123 days that America spends laboring for Federal, State, and local taxes, it is interesting how this breaks out. Fifty days of that goes toward individual income taxes, 42 days goes to Federal and State, and for local it is 8 days.

For social insurance taxes, 29 days goes to that category. And all of that is Federal. There is no State or local part in that aspect of the tax.

Of the 123 days, 16 days go toward sales and excise taxes. Three days of that is allocated towards Federal and 13 days goes toward State and local. Property taxes—the Federal Government has no property taxes, but State and local governments do. Ten days out of that 123 days goes for property taxes for State and local governments.

Let’s look at the corporate box that has been analyzed by the Tax Foundation. Corporate income taxes make up 12 days of the total of 123 days. The Federal part of it is 10 days and the State and local part of it is 2 days.

If we look at other business taxes, there is a total of 3 days put in that category. The Federal Government doesn’t have any, but State and local has a total amount of 3 days. For all other taxes, only that general category. There are 2 days allocated to that box. One of them is Federal and one is State and local.

I think those are some interesting factors coming out.

Then there are those who say the tax cut is way too much. We know what happens.

If we go with the President’s tax cut that he proposed—I remind the Senate that it hasn’t gone as much has the President proposed—then basically what you are doing over the next 9 or 10 years is holding the tax burden day on May 3, 2001. What happens if we don’t have any tax cuts? Suppose we didn’t go with any tax cut at all? We would see the tax freedom day move out to May 9. This is not a particularly remarkable tax cut, but it is something that certainly is badly needed.

I am looking forward to the debate because I think it is important that we move forward with the tax cut right now. If my memory serves me correctly, we have raised taxes retroactively. I don’t see what the problem is with trying to cut taxes retroactively, particularly in light of the fact that we have the surpluses we are facing today.

In summary, Americans are spending more than ever on taxes. In fact, we spend more taxes than we do for food, shelter, and clothing combined. Since when did the Federal Government become more important than life’s essentials? It is time to reverse this trend by cutting taxes across the board. Lower taxes would help our economy and would also help America’s families.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

U.S. TRADE POLICY

Mr. HAGEL. Mr. President, last week President Bush laid out an aggressive trade agenda for America. Few policy areas will be more critical to the future prosperity of not only the United States, but the world.

Trade is essential to the continued growth of our economy. U.S. exports totaled more than $1 trillion last year, an increase of 12 percent from 1999. Those exports accounted for 11 percent of our GDP in 2000.

The impact and importance of trade extends far beyond our borders. The nations of the world live in a global community—underpinned by a global economy. We are all directly affected by the development and growth of markets around the world. Trade and international investment, security, economies, markets, communications, trade, and investments are all interconnected.

Taking advantage of the opportunities of this hopeful new world will require vision and leadership—bold Presidential leadership with the vision to see through the haze of the present and into the possibilities of the future. This will require leadership that is wise enough to seize the moment and help move the world forward. Help given today are not the nations of yesterday.

We must rise above past differences and old conflicts. This is not without risk. But the risk must be taken.

Trade connects people. Increased commerce and the bridges it builds has broad implications for human rights, democracy and increased stability and freedom around the world.

Trade binds nations together in stronger and political alliances. Throughout history trade and commerce have been key instruments that have helped break down totalitarian governments and dictatorships, and opened the doors to democracy and higher standards of living for all people—improved health, better diets, and hope for the future.

Trade and international investment have helped pave the way for peace in many areas of the world. Trade and democracy are interconnected. Trade and investment lead to political and economic stability.

The key to this is a strong trade agenda that pursues our interests while balancing them with other priorities.
First and most important is the granting of Trade Promotion Authority to the President. Every day that goes by without this authority is another day of wasted opportunity. We cannot afford for America to stand idle while other nations negotiate trade agreements that give an advantage to the competitors of American goods and services. Congress needs to get this done, and get it done quickly.

We have many other challenges that lie ahead. We need to move the Jordan and Vietnam Trade Agreements through Congress.

We also should look to our own hemisphere. Canada and Mexico are our largest trading partners. American exports to Western Hemisphere nations comprised more than one-third of all U.S. exports in 2000. We must strengthen our ties to our Western Hemisphere neighbors.

This is good for all peoples in this hemisphere. We need to move on renews the Andean Trade Preference Act this year. And we should pursue a trade agreement with Chile, and a free trade agreement for all the Americas.

We will face another hurdle in again granting trade relations to China. Establishing a stable trade relationship with China is in our best interest.

Turning our backs on China will not improve human rights in China, promote greater freedom, or improve the stability in Asia—rather, it would have a dangerous and negative impact on all these important efforts.

This year we must help lead efforts to renew Mr. REID. Mr. President, in the

Trade and investment are building blocks for the world’s mutual interests. We have the opportunity to make the world more stable, more secure, more prosperous, and more democratic. Let’s not squander this very historic and unique opportunity.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Nelson of Florida). The clerk will call the roll.

The bill 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. REID. Mr. President, the hour of 2 has arrived, are we now back on the education bill?

The PRESIDING OFFICER. We will be momentarily.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

BEETLE 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.

The bill clerk read as follows:

A bill 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.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to provide for class size reduction programs.

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.

Cleland amendment No. 376 (to amendment No. 358), to provide for school safety enhancement, including the establishment of the National Center for School and Youth Safety.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Spector (for Breaux) amendment No. 388 (to amendment No. 378), to provide for class size reduction.

Voinovich amendment No. 389 (to amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.

Carnahan amendment No. 374 (to amendment No. 358), to improve the quality of education in our Nation’s classrooms.

Reed amendment No. 423 (to amendment No. 358), to report provisions regarding the Reading First Program.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized to call up his amendment No. 460.

Mr. REID. Mr. President, I ask unanimous consent that the time not run on this amendment. I will wait until the manager of the bill arrives. I ask unanimous consent that that be part of the order, and pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill 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.

AMENDMENT NO. 460 TO AMENDMENT NO. 358

Mr. REID. Mr. President, pursuant to order, I send an amendment to the desk. The desk, the Executive Director of HABLE. This program has been a remarkable success. Starting with six students in 1993,
They didn’t speak a word of English when they came to Ms. Rocha. Now almost 100 of these kids have graduated from high school, and a like number, almost another hundred, are completing high school in the next few years.

It was hard to find examples that I should bring to the Chamber today because there are really so many, but I have chosen a few with the help of Ms. Rocha. For instance, Evilia Gomez was one of the original fourth graders to start with Ms. Rocha in 1993. While she has always been a bright girl and had been a good student in Mexico, when she came to America, she didn’t speak a word of English. We find that far too often students like Evilia simply are put in a special education program. “They can’t read; they must be dumb if they can’t read.”

Yet this little girl wasn’t dumb. The fact that she couldn’t speak did not mean that she was slow or learning disabled. With the extra attention she was given, she rapidly learned English and quickly transitioned to regular classes. She did so much extra course work that she graduated from Las Vegas High School 2 years early as valedictorian of the class. Of all the students who graduated from Las Vegas High School in the class of 1999, a girl who didn’t speak a single word of English 6 years earlier ended up with the highest grade point average of any student in that very large high school. Not only is this a special child, this is a special program, and we need to replicate it.

Another girl in Las Vegas, Johanna Rangel, has a similar success story. She didn’t graduate as valedictorian, but she did extremely well. She is one of the original six who worked with Priscilla Rocha program started. When she came to this program, she didn’t speak a single word of English. Now she is President of a Latino students’ organization at Desert Pines High School and is involved in many extra curricular activities. She will graduate in a month. She did extremely well in school, and she plans to attend college this fall.

She is quick to point out that her success is due to her being able to come to the Priscilla Rocha program and replicated, and she believes the program is the reason she was able to graduate from high school. In fact, she said, when she invited Ms. Rocha to her graduation:

This would not have been possible without you. I wouldn’t be graduating without your help.

There are many others. You have to understand that Johanna’s parents didn’t speak a word of English when they brought her from Mexico to the United States. They couldn’t help with her homework; no matter how badly they wanted to help, they couldn’t. They didn’t speak English. Her risk of failure and thus dropping out, was dramatic, but this program turned things around for her.

Children want to learn. They want to be productive. There is a lot going on in America today about English as an only language. States are passing, have passed, and are trying to pass laws saying that there should only be one language.

Mr. President, there is only one language anyway. If you want to succeed, you have to speak English. It used to be if you wanted to be a diplomat, you had to speak French. Not anymore. The language of diplomacy is English. If you want to fly an airplane anywhere in the world, the air traffic controllers’ language is English.

So not only did Johanna want to succeed, she wanted to learn to speak English. She needed help. Her parents could not help in that regard. So I am excited about this program. We have all kinds of success stories.

Alvaro Ramirez, a 10-year-old fourth grader who began Ms. Rocha’s program at the start of this school year. He and his family came straight from Mexico. None of them were able to speak a single word of English. By the end of this school year, Alvaro will start transitioning into regular reading and writing programs in English. Next year, he won’t be in a special program. He will be a fifth grader and he will be mainstream.

Carla Rojas, another 10-year-old, is benefitting from this program. She came to Las Vegas from Mexico in the middle of this school year. It is hard enough for a 10-year-old to change schools in the middle of the year, but Carla was put into a school where she didn’t understand a single word of what the teacher or the kids were saying. This program has helped her so much that by the end of this year it is believed that so well that she will be able to take classes with everybody else this coming year.

Priscilla Rocha says of Carla: “She is a very smart and energetic girl. All we have to do is give her the little push she needs.”

So these programs work well, as they should work well. The increasing diversity of our Nation enriches our communities. It also challenges our public schools to meet both the English language and literacy needs of our expanding limited English proficient student populations. The families of these students speak their native languages at home and often have limited English skills, making it difficult for parents and family members to help children with their unique academic language struggles.

Think about it. You go to school and they are speaking one language there, and you go home and they are speaking a different language. How do you improve upon what you don’t know? It is hard to do.

That is why programs such as the one I have outlined are so important. To address the need for literacy for these students, my amendment expands the current 21st century learning centers in this bill to include programs for limited English proficient youth.

I have talked about the Homework Center in Las Vegas. It is vital to the education of these limited English proficient students who don’t have the resources at home to support them. These programs need to have the support of the entire education system.

Over half a million students drop out of school every year; 3,000 students drop out of school every day in America. Every child who drops out is less than they can be. It puts a burden on the criminal justice system and our welfare system. It is something with which we certainly need to do better. We have about 5 million Americans who lack a high school degree and are not in the process of getting one. In our prisons in America today, line them all up; 82 percent of them have no high school education. Is there a correlation between education and getting in trouble? Of course. I didn’t speak improperly. I said 82 percent of the people in our prisons have not graduated from high school. Does that mean that the 82 percent who haven’t graduated are a bunch of dope? The answer is no. The vast majority of those students, for one reason or another, didn’t keep up, or could not keep up; they didn’t have the incentives, and many of them have language problems. This amendment will help with those language problems.

The primary reason children drop out of school is a lack of success in school. They believe they can be a bigger hit out on the street beating up on somebody or selling dope. They don’t understand the importance of an education. If they do understand the importance of an education, they have dropped back so far that they know they can never catch up. They can catch up, but they think that they can never catch up.

This is not just a problem of a few kids not getting an education. A high school dropout rate impacts the economy and quality of life, not only for the children that drop out, as I have mentioned, but their families and for each and every one of us.

Every time a child drops out of school, we have failed a little bit. It hurts us. It hurts us because it doesn’t sound right morally, but it hurts us economically, and it hurts the social fabric of our country.

We need an educated workforce. If this continues, we will have increased
unemployment rates and increased prison incarceration, people on welfare and other Federal programs, and unemployment rates of high school dropouts are more than twice that of high school graduates. Remember, we are pushing are more than twice that of high school dropouts—maybe not to college, but the unemployment rates of high school dropouts are more than twice those of high school graduates.

The probability of falling into pov-

erty is three times higher for high school dropouts than for those who finish high school. That is 300 percent higher.

The median personal income of high school graduates, during the prime earning years, ages 25 to 54, is 200 percent that of high school dropouts.

The median personal income of college graduates is more than three times that of high school dropouts.

The children, sadly, of high school dropouts have a much greater chance of dropping out of school. It becomes a pattern.

The problem is worse for America's Hispanics—a growing segment of our population. Hispanics students have a dropout rate of more than 30 percent—three times higher compared to the overall rate of 11 percent.

Afterschool programs tailored for limited English proficient students will go a long way toward helping to keep these fine young people in school.

There is an increasing need all over America for language services. Nearly 20 percent of the students in U.S. schools speak a foreign language at home. According to the National Clear-

inghouse for Bilingual Education, that figure will grow.

In some parts of the country, non-

English speakers are referred to special education, as I have indicated, based solely on their inability to speak English the way teachers and others believe should be said. Some may think if they don't speak English correctly, they must be dumb. Not so. Some school systems—and I believe this may be in violation of the civil rights laws of our country—continue to assign students to special education programs on the basis of criteria that essentially measures and evaluates English skills of students.

Currently, students fail to receive the right programs because the guidance and these programs receive is in-

adequate to develop comprehensive programs for limited English pro-

ficiency students.

I say to my friend, the Senator from Vermont, who is managing this bill, I have always appreciated his forceful advocacy of fully funding IDEA—pro-

grams for those with special needs.

That does to that child. They know they are as smart as the kid next to them, they just cannot talk, or maybe they do not know they are as smart as the kid next to them. That is even more sad.

I think of literacy as an empowerment issue. I think that education empowers us, and that education does not mean you have to be a doctor, lawyer, or college professor. It means being able to read and write. It means having an opportunity to go to a technical school to be an automobile mechanic.

Mr. President, when you and I gradu-

ated from high school, if we wanted to be an automobile mechanic, we got out of high school and started working on cars. Students cannot do that any-

more. They have to be able to read manuals. They have to attend classes and get a certificate before anyone will hire them.

Automobile agencies in Las Vegas for a number of years—I did not realize that imported people's help, these cars from Utah because Utah issued certificates. Our community colleges in southern Nevada offer training and a degree in the automotive field. A student can then go to Pete Findley Olds-

obile or Fletcher Jones or any of the automobile dealerships, and they will hire them. It takes an edu-

cation.

Literacy is an empowerment issue. While these children are in America, we have to help them the very best. I want to say, and having the very best is not an act of generosity on our part. It is an act of doing the right thing, not only for them but for us. Every child who drops out of school not only hurts himself or herself and his family, but hurts us. We have to recognize that making programs available to help these kids through school is good for all of us.

Look at the practicality of literacy as an empowerment issue. It is not a question of picking one program or an-

other. It has more to do with the idea that we have millions of children with limited proficiency in English. These children should be equipped with the necessary tools to prosper in America.

The sooner you speak English, the sooner you are a fully functioning cit-

izen who can participate in society.

I have given the example of Priscilla Rocha's program, but I am sure there are many others around the country that work. I am familiar with Ms. Rocha's program because she has been a friend of mine for many years. I know what a caring individual she is.

I am not advocating a set program. I am advocating that we make sure this education bill allows us to do what, in my opinion, the country needs very badly. That is the idea of literacy as an empowerment issue. It is an empowerment program. It is an education bill allows us to do what, in my opinion, the country needs very badly.
safe haven afterschool program for more than 200 children at three elementary schools in communities with high crime and poverty rates.

The program activities include homework help, academic enrichment, arts and crafts, supervised games and physical education, and field trips. As the program enters its third year, the schools report improved attendance and reduced conflicts during after-school hours. Children in the program also have greater interest in completing their homework.

Another example can be found in New York City where the YMCA of Greater New York, in partnership with the New York City Board of Education, is working to bring extended school services to 10,000 public school children by turning 200 of the city’s underserved public schools into virtual Y’s from 3 p.m. to 6 p.m. after school each day.

The program includes programs. Second, third, and fourth graders take part in these programs.

A program in Charleston, WV, helps 60 students who live in a community plagued by crime and drugs attend a summer camp operated by Chandler Elementary School. I have given examples of programs that help 10,000 schoolchildren, and one that helps 60 schoolchildren. Is one any better than the other? Probably not, but they both work.

Finally, a program in Waco, TX, the Lighted School Program, has kept middle schools open after school until 7 p.m. at night Monday through Thursday. Activities and services to approximately 200 students who attend regularly. Nineteen local organizations provide activities and services. Baylor University contributes 115 college students as mentors. Each works with one child for a full school year.

The recreation department of that city leads supervised field trips and games. Two art centers send instructors to the schools to lead hands-on activities and library staff help children read and act out stories. Children who participated in the Lighted School Program say they appreciate having a safe place to go after school, that it keeps them off the streets and it is more fun, they say, than sitting at home in front of the television. Several say if the program did not exist, they would be in big trouble.

There are programs that do help. My amendment expands the existing 21st Century Community Learning Centers Program. This program helps fund high-quality, after-school programs. This grant program is directed at inner-city and rural schools that are working in partnership with community organizations to provide learning and enrichment programs outside of regular school hours for children and adults.

A community learning center is an entity within a public elementary, middle, or secondary school building that provides educational, recreational, health, and social service programs for residents of all ages within a local community. It is generally operated by a school district which is legally responsible within a State for providing the public education for these students.

There are many examples of after-school programs, including: literacy programs; senior citizen programs; childcare and daycare services; summer and weekend school programs; nutrition and health programs; expanded library services; telecommunications and technology education programs; parenting skills; employment counseling, training, and placement; and services for individuals with disabilities. These are already included in the bill. I want to make sure there is no confusion, that everyone understands we need to make sure the 21st Century Community Learning Centers Program also includes school-based instruction for children who have limited English skills.

It is important we do that. These programs, I believe, are essential to decreasing the students who dropout of school. Just think, instead of having 3,000 children dropping out of school, let’s say we have 2,500, if there are 500 kids we can keep in school, I think it will be well worth it. I hope we send a message by voting unanimously as a Senate for this legislation. I hope it has a strong vote. It is something that is important to the country. I think it is important to this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend the Senator for his excellent presentation. He has put his finger on one of the most serious problems we have in this Nation, and that is the dropout problem.

We have to be very careful when we find somebody is proud of their record because their averages have improved, because then we find out the reason they have improved is so many kids dropped out of school that the ones who are left average a higher percentage of successful students. So we have to be very careful when we examine these matters.

Also, the Senator did a very excellent job pointing out the group of students who have the most difficult problems, staying in school are those with language difficulties, Hispanics in particular.

His amendment is an excellent one. I would love to accept it, but I understand the charge serve another purpose, which, as we are aware, happens on Mondays. So I ask at some point, when the Senator is ready, we call for a vote.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

Mr. REID. Mr. President, I yield my time if there is any.

Mr. JEFFORDS. I yield back my time.

Mr. REID. I ask the amendment be set aside for further business.

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

Mr. REID. 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. BOND. 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. BOND. Mr. President, as we begin this critical week with debate on the education bill, I wanted to make some points that I think apply throughout the debate on education, and I wanted to share with my colleagues some of my hopes, aspirations, and concerns. I thank the manager on the minority side for allowing us to do so.

Mr. JEFFORDS. Mr. President, I appreciate the Senator coming. I know he has an important message. I look forward to listening to him.

Mr. BOND. I thank the manager.

Mr. President, there have been numerous times that I have come to the Senate floor to say—and I come, once again, to repeat—that education is a national priority, but it is an obligation and responsibility of those at the State and local level. The education of our children has traditionally been—and ought to be in the future—carried out and implemented at the local level.

I remember a couple of years ago when we were talking about Federal control that one of my colleagues, who is no longer with us, was in a debate with a representative in the Department of Education. The Department of Education person said: I care just as much about your children and their needs and their operations in school as you do, to which he replied: Well, that’s great. Do you know their names? No. Do you know what their scores are? No. Do you know what their challenges are? No. Do you know where their schools are? No.

The simple fact is that none of us here in Washington, no matter how much we are concerned about education in general and children in general, can know what the problems are and what the challenges are and how best to meet those challenges for students in each local school district throughout this Nation.

I think we would all say that each child is different. Each school district is different. Each school is different. I think that and other good reasons the Federal role in education has been a limited one, and I believe it should be.
The underlying bill before us—S. 1—recognizes the nature and the scope of this role. The legislation creates a leadership role for the Federal Government in encouraging States to adopt commonsense systems based upon standards, measurements, and accountability. This bill as stated out of our committee did not attempt to micromanage the local schools and classrooms.

S. 1 also would give us the opportunity to redefine how we measure success. Too long, many of my colleagues here have supported throwing more and more money at education. And the Washington-based education establishment generally has determined our success in education programs based on the dollars spent—not on the academic achievements, not on the progress, and not on what our children are learning in school to be better prepared for their role in this increasingly complex and competitive society. If my colleagues were the answer, we wouldn’t be debating this bill because we wouldn’t have the problem. We have poured more and more Federal money into education, and the academic achievement of our students has been level or in some cases it has fallen behind.

In pouring more money into public education, we have gone to great lengths to detail precisely how those teachers—the men and women who know the names of the child in their classroom, that know what his or her problems are, more and more they are being told what to do by Washington.

According to the Education Commission of the States:

In the 1999-2000 budget, the federal government spent almost $44 billion on elementary and secondary education programs. This funding was spread across 35 different education programs in 15 different federal departments.

We did a little research a couple years ago and found out there are over 760 education programs. It was that proliferation of good ideas from Washington that led me at the time to propose what we call the Direct Check For Education, to combine some of those biggest programs, cut the red tape, send it back to the school districts, and tell the school districts these are all things we think you ought to consider but do not require them to do every i and cross every t, jump through the hoops, and fill out forms and fill out reports and play “Mother May I” with the Federal Government.

All of these programs that exist today were started with good intentions. Few of them have been killed, and many of them have been amended. Look at the money. Shown on this chart are the appropriations for ESEA programs in billions of dollars. Starting in 1990, it looks as if, oh, around $7 billion was spent, and now it has gone up to, oh, I would say close to $300 billion.

This shows what has happened in the average national scale math scores for 9-year-olds. That is measured on the chart with the green line. It is a flat line. If that were a line on a key chart in a hospital measuring the heartbeat of the patient, it would say the patient is dead. All the money has produced no appreciable benefits. That is the math scores.

Maybe we can look at another chart to see if we got any better results. How have we done in reading? This chart has the appropriations for ESEA programs in billions of dollars. It is the same type of chart as the last one. It shows the national 4th grade reading scores: a flat line, no life in the patient. We are not getting any better. We are spending more money to do no better.

I am afraid we are about to hijack S. 1 and turn it into a replay of the same kind of Federal micromanagement and Federal direction of education that has managed to use a whole lot of money without getting any results.

These Federal programs—the Education Commission of the States says 35: I say over 760—have gotten us burdensome regulations, unfunded mandates, and unwanted meddling. The folks at the local level—whether they be parents or teachers or school board members—say they have less and less control. Jobs of our teachers and administrators are harder than they should be. We have eroded the opportunity for creativity and motivation.

I don’t know how many of you have taken the opportunity to do what I have done in Missouri. Over the last 3 years, I have traveled throughout the State—in the metropolitan areas, the suburban areas, the rural areas—and I have met with representatives of teachers, of school board members, of administrators. I have asked: What is the problem here? And too many of them have come back to say: We are spending our time as glorified grant writers, trying to jump through the hoops, trying to do what the Federal Government wants us to do. We don’t have the time to prepare our lessons and to prepare our students for the education they need for a lifetime.

This is a serious problem. This is what the teachers, the administrators, the school board members are telling us throughout my State. It comes through my committee, and it is on a bipartisan basis. From the most conservative Republicans to the most liberal Democrats, the people in Missouri, who are involved at the local school level, tell us there is far too much hassle they go through comes from the Federal Government.

How can we afford to keep spending Federal education dollars in the same way we have been doing it for years if it is not achieving any success? I do not think we can. I do not think we should stand for it. I have talked to too many parents and teachers, school board members, community and business leaders, and I do not know how that will serve better. This country deserves better.

Over the past several years, I have opposed the creation of specific new programs and their dictates on the style of their education. We have already amended every one of these amendments that have been offered in good faith. These amendments were good ideas, if we had taken our good ideas and ran for membership on a school board. I am sure many of my colleagues could explain to the folks if they were on the school board in Mexico, MO, or the R-6 school district or the St. Louis city school board or the Jefferson City school board, but we are not.

The problem is, there are different needs and different challenges in Missouri, in Washington, in Arizona, in Maine, or in Florida. When we pass a law, when we pass a dictate or a requirement, we do not know how that is going to impact the kids who are the ones who have to be taught. We may understand education in general, but there are educational needs that are specific and direct in each school district as the individual student involved.

I cannot believe, if my colleagues went back home, spent some time, saddled up the horses, went out and just rode the circuit, that you wouldn’t have the same thoughts as I first hand. Our State has some of the best teachers, the best principals, superintendents, and school board members in the country. They are outstanding people. They are really concerned.

We think we are concerned about education. Well, we were concerned about education last week and will be this week, but we have to be concerned about the budget, we have to be concerned about tax policy, and we are going to be concerned about energy policy.

These dedicated men and women are spending their lifetime dedicated to one thing: that is, teaching our children. What do the people who are actually involved in education have to say? The superintendent of Springfield, MO, public schools said:

... the amount of paperwork that the federal government causes local school districts to do names in different places. The extra effort and time often reduces productive classroom time and energy that could...
better be spent working directly with children.

Mr. Berrey of the Wentzville R–IV school said:

Limiting federal intrusion into decisions best left to local communities is what I believe our founding fathers had in mind.

From the Neosho, MO, R–5 school district:

The individuals who are working most closely with the students are indeed the ones who can best decide how this money can be spent for the benefit of students’ education.

The superintendent of the Special School District of St. Louis County said:

As head of a school district specializing in special education, I fully understand how my district’s financial needs differ from other school district’s needs. In order to best utilize the limited funds that are at my disposal, I need maximum flexibility in determining how to put those funds to the best use.

The president of the board of education of the Blue Springs, MO, school district said:

Without local control, the focus is taken away from the needs specific to the children in each school system.

But I think maybe the superintendent of the Taneyville, MO, R–II school district sums it up well:

I feel that State and Federal government has tied our school’s hands with mandated programs and mandated uses for the monies we are receiving. The schools are likened to puppets on a string. Pull this string this way and the school does this; pull it another way and the school does that. School systems and communities cannot, in my judgment, be treated as individual people are different. What works for one will not work for another.

I offer those because that is the kind of information all of us need as we move forward on any kind of education bill, certainly one as important as the move forward on any kind of education of information all of us need as we go forward.

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I offer those because that is the kind of information all of us need as we move forward on any kind of education bill, certainly one as important as the move forward on any kind of education of information all of us need as we go forward.
I hope this body does not hijack S. 1 and make it into another system of categorical grants: Jump through this hoop and you will get some dollars. But then you will have to fill out reports and check in with Washington to see how you used them, and then you will have to reapply, and you will jump through this hoop if you make a successful application. And if you jump through the right hoops and somebody in Washington agrees that it is OK, then you have to follow up with more reports and red tape and forms and tell them what you did. I don’t think that is the way we ought to be going on education.

I urge my colleagues, as we look at these amendments before us, to ask these basic questions: Is this amendment or provision going to enable somebody who is teaching children in a school in my state to do a better job? Is it going to be across the board? Is it going to enable every teacher in every school? Or is it only going to affect a few school districts, where our priority happens to be that school’s priority?

Mr. President, I urge my colleagues to rethink how we are going in terms of setting up too many hoops for schools to jump through. We want to see better education, but Federal hoops are not the way to get there.

I thank the Chair and yield the floor.

Mr. JEFFORDS. Mr. President, I commend you for his dedication to education. He is a very valuable member of my committee. I have listened carefully to his message, and I thank him.

I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Vermont thanks the Senator from Vermont for yielding to the Senator from Vermont and the Senator from Vermont for recognizing both Senators from Vermont.

Someday somebody looking through trivia in the RECORD will try to figure out what the heck that was all about.

Mr. President, what is the parliamentary situation? Are there amendments pending?

The PRESIDING OFFICER. There are amendments pending. It would take objection, it is so ordered.

The amendment reads as follows:

(Purpose: To provide for the establishment of additional Boys and Girls Clubs of America)

On page 493, after line 14, add the following:

SEC. 6. BOYS AND GIRLS CLUBS OF AMERICA.

Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 1751 note) is amended—

(1) in subsection (a)(2)—

(A) by striking “1,000” and inserting “1,200”;

(B) by striking “2,500” and inserting “4,000”; and

(C) by striking “December 31, 1999” and inserting “December 31, 2006, serving not less than 6,000,000 people”;

(2) in subsection (b)—


(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “90 days” and inserting “30 days”;

(ii) in subparagraph (A), by striking “1,000” and inserting “1,200”; and

(iii) in subparagraph (B), by striking “2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000” and inserting “4,000 Boys and Girls Clubs of America facilities in operation before January 1, 2007”; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

(i) in general.—There are authorized to be appropriated to carry out this section—

(A) $60,000,000 for fiscal year 2002;

(B) $60,000,000 for fiscal year 2003;

(C) $60,000,000 for fiscal year 2004;

(D) $60,000,000 for fiscal year 2005; and

(E) $60,000,000 for fiscal year 2006.

Mr. LEAHY. Mr. President, does this become the 12th amendment, or one on the list on those now pending?

The PRESIDING OFFICER. It is on the list of those that are now pending. Mr. LEAHY. I thank the Presiding Officer.

Mr. President, I join with the chairman of the Senate Judiciary Committee in offering this amendment. As the Senators know, this reauthorizes Department of Justice grants for new Boys and Girls Clubs in each of our 50 States.

This bipartisan amendment authorizes $60 million in Department of Justice grants for each of the next 5 years to establish 1,200 additional Boys and Girls Clubs across the Nation. In fact, this will bring the number of Boys and Girls Clubs to 4,000. That means they will serve approximately 6 million young people by January 1, 2007.

I am very impressed with what I see there. Those of us who have children or grandchildren know instinctively how important it is. If we have any doubt, we can just talk to any of the parents in the towns or communities where there are Boys and Girls Clubs; they will tell you how valuable they are. In

I hear from parents certainly across my State how valuable it is to have the Boys and Girls Clubs. I hear it also from police chiefs. In fact, one police chief told me, rather than giving him a couple more police officers, fund a Boys and Girls Club in his district; it is the only thing we have left in Vermont.

The long-term Federal commitment has enabled Vermonters to establish six Boys and Girls Clubs—in Brattleboro, Burlington, Montpelier, Randolph, Rutland, and Vergennes. In fact, I believe the Vermont Boys and Girls Clubs have received more than a million dollars from the Department of Justice grants since 1998.

Last week at a Vermont town meeting on heroin prevention and treatment, I was honored to present a check for more than $150,000 in Department of Justice funds to the members of the Burlington club to continue helping young Vermonters find some constructive alternatives for both their talents and energies, because we know that in Vermont and across the Nation Boys and Girls Clubs are proving they are a growing success at preventing crime and supporting young children.

Parents, educators, law enforcement officers, and others know we need safe havens where young people can learn and grow up free from the influence of the drugs and gangs and crime. That is why the Boys and Girls Clubs are so important to our Nation’s children. In- dependent success Vermont has led to efforts to create nine more clubs throughout my home State. Continued Federal support would be critical to these expansion efforts in Vermont and in the other 49 States as well.

I was disappointed when the President’s budget request called for eliminating funding for Boys and Girls Clubs from the Department of Justice’s programs for State and local law enforcement assistance. I think it was an effort to bring down the budget to compensate for what has been a very large tax cut, but I think this money should have been left in. I think the administration makes a mistake in cutting out the money for the Boys and Girls Clubs.

In fact, based on last year’s appropriations, the failure of the Bush administration to request funding for the Department of Justice grants for Boys and Girls Clubs amounts to a $80 million cut in our Federal drug and crime prevention efforts. I have written to the administration. I hope the President will reconsider this decision. I hope he will realize that the Boys and Girls Clubs is not a Democratic initiative or a Republican initiative; this is a commonsense initiative that both parties have endorsed.

Those of us who have children or grandchildren know instinctively how important it is. If we have any doubt, we can just talk to any of the parents in the towns or communities where there are Boys and Girls Clubs; they will tell you how valuable they are. In
Mr. HELMS. 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 amendment before the Senate is as follows:

(Purpose: To prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities)

At the appropriate place, add the following:

TITLE -- EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

SEC. 1. SHORT TITLE.

This title may be cited as the “Boy Scouts of America Equal Access Act”.

SEC. 2. EQUAL ACCESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any public elementary school, public secondary school, local educational agency, or State educational agency, if the school or a school served by the agency—

(1) has a designated open forum; and

(2) denies equal access or a fair opportunity to meet to, or discriminates against, any group affiliated with the Boy Scouts of America or any other youth group that wishes to conduct a meeting within that designated open forum on the basis of the membership or leadership criteria of the Boy Scouts of America or of the youth group that prohibit the acceptance of homosexuals, or individuals who reject the Boy Scouts’ or the youth group’s oath of allegiance to God and country, as members or leaders.

(b) TERMINATION OF ASSISTANCE AND OTHER ACTION.

(1) DEPARTMENTAL ACTION.—The Secretary is authorized and directed to effectuate subparagraph (a) by issuing, and securing compliance with, rules or orders with respect to a public school or agency that receives funds made available through the Department of Education and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (a).

(2) PROCEDURE.—The Secretary shall issue and enforce the rules or orders, under paragraph (1), in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) JUDICIAL REVIEW.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of that Act (42 U.S.C. 2000d–2). Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of that Act.

(c) DEFINITIONS AND RULE.—

(1) DEFINITIONS.—In this section:

(A) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms "elementary school"; "local educational agency"; "secondary school"; and "State educational agency" have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(B) SECRETARY.—The term "Secretary" means the Secretary of Education, acting through the Assistant Secretary for Civil Rights of the Department of Education.

(C) YOUTH GROUP.—The term "youth group" means any group or organization intended to serve young people under the age of 21.

(2) RULE.—For purposes of this section, an elementary school or secondary school has a designated open forum whenever the school involved grants an offering to or opportunity for 1 or more youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

Mr. HELMS. Mr. President, I ask unanimous consent that the amendment be laid aside.

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

AMENDMENT NO. 549 TO AMENDMENT NO. 574

Mr. HELMS. Mr. President, I send a second-degree amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 568 to amendment No. 574.

Mr. HELMS. 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 amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE -- EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

SEC. 1. SHORT TITLE.

This title may be cited as the “Boy Scouts of America Equal Access Act”.

SEC. 2. EQUAL ACCESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any public elementary school, public secondary school, local educational agency, or State educational agency, if the school or a school served by the agency—

(1) has a designated open forum; and

(2) denies equal access or a fair opportunity to meet to, or discriminates against, any group affiliated with the Boy Scouts of America or any other youth group that wishes to conduct a meeting within that designated open forum on the basis of the membership or leadership criteria of the Boy Scouts of America or of the youth group that prohibit the acceptance of homosexuals, or individuals who reject the Boy Scouts’ or the youth group’s oath of allegiance to God and country, as members or leaders.

(b) TERMINATION OF ASSISTANCE AND OTHER ACTION.

(1) DEPARTMENTAL ACTION.—The Secretary is authorized and directed to effectuate subparagraph (a) by issuing, and securing compliance with, rules or orders with respect to a public school or agency that receives funds made available through the Department of Education and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (a).

(2) PROCEDURE.—The Secretary shall issue and enforce the rules or orders, under paragraph (1), in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) JUDICIAL REVIEW.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of that Act (42 U.S.C. 2000d–2). Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of that Act.

(c) DEFINITIONS AND RULE.—
I asked the Congressional Research Service for a report about how many school districts have already taken hostile actions against the Boy Scouts of America. The Congressional Research Service reported to me that at least nine school districts are known to have cut the Boy Scouts of America off from school facilities. In the majority of these cases they have done so in an outright rejection of the Supreme Court’s ruling protecting Boy Scouts’ rights.

One of the more publicized instances occurred in Broward County, Florida—a place which earned some notoriety last fall due to its ballot confusion during the Presidential election. Obviously, Broward County, Florida, is in another state of confusion: Its school board has voted unanimously not to allow the Boy Scouts of America to use the public school facilities for their meetings, as had historically been the case, unless the Boy Scouts change their policy (which is upheld, Mr. President, you will remember, by the Supreme Court in June of last year), or the Chapel Hill School District was upheld, Mr. President, you will remember, by the Supreme Court in June of last year), or the Chapel Hill School District will send the Boy Scouts packing to find another meeting place. Either do it their way or get out of the school. That is what they are saying in Chapel Hill, North Carolina.

Only if the Boy Scouts will accept homosexuals as their leaders and fellow scouts will these Boy Scouts be allowed to continue their meetings on school property. But those very same meeting places at school remain open for more than 800 Gay-Straight Alliance clubs. These are homo-social clubs that have been formed with the assistance of Gay, Lesbian, and Straight Education Network, which is a radical group committed to promoting immoral lifestyles in the school systems of America.

With groups such as these welcomed in our public schools, while the Boy Scouts are kicked out, schoolchildren need, it seems to me, to have the Boy Scouts stick around, and that is what those in Broward County, Florida, want to do with them. So, if I can, and if the Senate will go along with it.

This arrogant discriminatory treatment of Boy Scouts of America must not be allowed to continue, and that is why I offer the following amendments to reinforce the U.S. Supreme Court’s decision upholding the first amendment rights of the Boy Scouts of America and not oblige those Boy Scouts to compromise their membership or leadership guidelines, nor any of their moral principles.

Specifically, the pending first-degree and second-degree amendments propose that any public school receiving Federal funds from the Department of Education must provide the Boy Scouts or youth groups such as the Boy Scouts equal access to school facilities and must not discriminate against the Boy Scouts of America by requiring scouts or any other youth organizations to accept homosexuals as members or as leaders or any other individuals who reject the Boy Scouts’ oath of allegiance to God and country. The penalty for such violation, could constitute the risk of their Federal funding being eliminated.

This amendment provides the Office of Civil Rights within the Department of Education the statutory authority to investigate any discriminatory action taken against the Boy Scouts of America, and that is, barring them from certain facilities, or by the way they are treated, or any other leadership criteria. Such investigation may result in termination of Federal funds.

For those unfamiliar with the existing process: DOE has given their Office of Civil Rights oversight responsibility for reviewing all discrimination complaints. The Office of Civil Rights typically notifies and warns a fund recipient—such as a school—to correct its actions or else. However, it should be noted that according to CRS:

Historically, the fund termination sanction has been infrequently exercised, and most cases are settled at the investigative process.

Therefore, it’s highly unlikely that any school will in fact ever have its funding cut-off; unless it adamantly refuses to provide the Boy Scouts of America equal access to school facilities.

Mr. President, 70 years ago, I remember raising my hand to take the Scout Oath. I have it written here but I really don’t need it. We stand up and say:

On my honor as a Scout, I will do my best to do my duty to God and my country, and to obey the Scout Law. To help other people at all times, to keep myself physically strong, mentally awake, and morally straight.

Mr. President, I hope the Senate will, as the U.S. Supreme Court has already done, uphold the obligations in rights of the Boy Scouts of America to continue to take this oath, meaningfully and sincerely.

I ask unanimous consent that the two memoranda, prepared by the Congressional Research Service and a legal analyst, which was prepared by the American Center for Law and Justice in support of my amendment on the ground that it is constitutional—I ask...
that all of these documents be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks. There being no objection, the material was ordered to be printed in the RECORD, as follows:

Memorandum to Hon. Jesse Helms from American Law Division, CRS, Mar. 3, 2001

FEDERAL CIVIL RIGHTS ENFORCEMENT BY THE OFFICE OF CIVIL RIGHTS OF THE U.S. DEPARTMENT OF EDUCATION AND RELATED MATTERS

At your request, this memorandum summarizes our recent discussions relative to enforcement by federal administrative agencies—in particular, the Office of Civil Rights (OCR) of the U.S. Department of Education of Title VI of the 1964 Civil Rights Act and other federal statutes prohibiting discrimination in state and local programs receiving federal financial assistance.

OCR is responsible for enforcing federal laws barring discrimination based on race, sex, national origin, disability or age in all federal education programs or activities funded by the federal government at the elementary, secondary, or higher educational level. It derives its authority mainly from the following statutes. Title VI of the 1964 Civil Rights Act, which enacted a generic ban on race, color, or national origin discrimination in all federally assisted programs, projects or activities; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance; Section 504 of the Rehabilitation Act of 1973, banning discrimination because of handicap in all federally funded activities; and the Age Discrimination Act.

Federal agencies were authorized by Title VI to enforce nondiscrimination “by issuing rules, regulations, and orders of general applicability” and to secure compliance through imposition of sanctions, which may include the “termination or refusal to grant or to continue assistance” to recipients, or by “any other means authorized by law.” An early target of Title VI enforcement efforts were segregated “dual school” systems in the South. The mandate of Brown v. Board of Education to desegregate with “all deliberate speed.” The Civil Rights Act entitled the executive branch—in this case the Department of Health, Education, and Welfare—as an ally of the courts in effectuating compliance with desegregation requirements by means of threats of federal financial assistance. With statutory creation of the Department of Education in 1979, OCR was made the principal entity responsible for administratively enforcing the panoply of federal laws barring discrimination in programs and activities carried on by federally financed schools, school districts, and higher education institutions.

OCR administers statutes by conducting investigations of complaints filed in its ten regional offices or at national headquarters in Washington, or by conducting compliance reviews. OCR’s compliance reviews are internally generated and are intended as broad investigations of overall compliance by recipients of Federal financial assistance from each of its ten regional offices. OCR’s compliance reviews are targeted for such review by examining information gathered in surveys by OCR and from other sources. The surveys are intended to identify agency in an effort to identify potential areas of “system discrimination.” Upon finding an apparent violation of Title VI or other applicable law, OCR notifies the fund recipient, i.e. the state or local educational agency, and must then seek voluntary compliance. If voluntary compliance cannot be secured, OCR may pursue enforcement through fund termination proceedings within the agency or seek compliance by other authorized means. The administrative fund termination process is initiated by the alleged discriminatory entity of the opportunity for hearing before a DOE administrative law judge. Alternatively, and more often, OCR will refer the case to the Department of Justice (DOJ) with recommendation for appropriate legal action.

Historically, the fund termination sanction process has been infrequently exercised, and most cases are settled at one of four stages of the investigative process: early complaint resolution; during negotiations prior to a compliance review; at the agency of a violation; or following such a finding; and at the administrative enforcement stage, when the institution is given a final opportunity to correct any violation found by the ALJ. In addition, litigation instituted by DOJ, on referral from DOE, or by private parties pursuant to an implied right of action has been an important avenue for Title VI enforcement. Although much litigation has concerned public school desegregation, Title VI judicial remedies have also been invoked for claims of discrimination in school disciplinary proceedings, failure to provide bilingual or supplemental instruction for non-English speaking students, student grades and ability grouping, financial aid or scholarship programs.

Memorandum to Hon. Jesse Helms from American Law Division, CRS, Mar. 3, 2001

[Actions by Various School Districts Across the Country to Restrict Access by Local Scouting Organizations to Public School Facilities]

This memorandum responds to your inquiry, and our recent conversation, relative to the above.

In Boy Scouts of America v. Dale, the U.S. Supreme Court ruled, by a 5 to 4 vote, that the Boy Scouts have a constitutional right to exclude homosexual members and leaders. Since then, controversies have arisen in Broward County, Florida, New York City, and various school districts concerning funding for local school board support of scouting programs. In Broward County, school authorities reportedly “evicted St Boy Scout Troop 44 from school property in December (2000)” for violating a nondiscrimination clause in their agreement for use of the facilities. The Boy Scouts responded with a federal lawsuit in Miami district court, apparently still pending, which challenges the officials’ action as unlawful “viewpoint discrimination.” The federal lawsuit claims that the school district violated the Scouts’ right to free expression and equal access to public facilities. As we discussed, presumably neither Title VI of the Civil Rights Act nor Executive Order 13160, issued by former President Clinton, would prohibit denial by local educational agencies of school facilities or services to scouting organizations. A search of the Westlaw all news database revealed that the following state or local educational agencies have taken, or are considering actions to restrict Boy Scout access to public school facilities since the Supreme Court decision in Boy Scouts of America: Broward County, Fla.; “Broward County’s school board is continuing to keep the Boy Scouts of America from using public schools to hold meetings and recruitment drives because of the groups ban on gays.” 11/16/00 Fla. Times. The Chapel Hill N.C.: “The Chapel Hill-Carrboro school board voted [on January 11, 2001] to give Scouts until June to either go against the rules of their organization or lose their sponsorship and meeting places in schools.” 11/16/01 News & Observer (Raleigh N.C.) 93, 9476.

New York City: “School Chancellor Harold Levy . . . said the city school system would not enter into any new contracts with the Boy Scouts and would not renew current sponsorship agreements because of the group’s ban on homosexuals.” 1/12/01 Star Ledger (Newark N.J.) 286, 286a; 289, 289a.

Los Angeles, CA: Los Angeles City Council has “directed all of the city’s departments to review contracts with the Boy Scouts and order an audit of those contracts to ensure they comply with a nondiscrimination clause.” Id., 2000 WL 28934438.

Madison, Wis.: “A resolution unanimously passed by the Madison School Board . . . harshly criticizes the Boy Scouts of America for its exclusionary policies, but the resolution did not change policies towards the group.” 12/6/00 Wis. St. J. B3, 2000 WL 24297730.

Seattle Wa.: “Seattle Public Schools officials would decide as early as 2001 whether to restrict Boy Scouts of America’s access to students and school buildings.” 12/19/00 Seattle Post-Intelligencer B2, 2000 WL 30657463.

Minneapolis Mn: Under unanimously-passed Minneapolis School Board policy, “no longer support any material in the city’s public schools and individual schools cannot sponsor troops; however, scouting units may still use school buildings for meetings and other events.” 10/11/00 Stat. trib. (Minneapolis-St. Paul) 01B, 2000 WL 6922730.

Worcester Ma.: “Superintendent of Schools Alfred Tutela . . . banned the Boy Scouts from holding meetings in the properties of the Wachusett Regional Schools District.” 9/15/00 Telegram and Gazette (Worcester) B1, 2000 WL 10211954.

Framingham Ma.: “Scouts were banned from recruiting in the district’s schools.” 12/28/00 Nat’l Post A 16, 2000 WL 30657463.

We hope that this is of assistance to you.

Memorandum to Office of Senator Jesse Helms from American Center for Law & Justice, May 17, 2001

The Boy Scouts of America Equal Access Act (S. 1) Is Fully Constitutional

INTRODUCTION

The American Center for Law and Justice (“ACLJ”) is a nonprofit, public interest law firm and educational organization dedicated to protecting religious liberty, human life, and the family. ACLJ attorneys have successfully argued cases before federal and state courts across the United States. See, e.g., Schenck v. Pro-Choice Network of Western New York, 519 U.S. 357 (1997); Board of Education v. Mergens, 496 U.S. 226 (1990); Bray v. Alexandria Women’s Health Clinic, 113 S.Ct. 753 (1993); United States v. Christ, 503 U.S. 49 (1992); Board of Education v. Westside Community Schools v. Mergens, 496 U.S. 226 (1990); Board of Education v. Mergens, 496 U.S. 226 (1990); Board of Education v. Mergens, 496 U.S. 226 (1990); Board of Education v. Mergens, 496 U.S. 226 (1990). The ACLJ has participated in federal and state cases in support of religious liberty, human life, and the family. The ACLJ has a substantial interest in preserving First Amendment freedom for groups in various speech fora. The Boy Scouts of America Equal Access Act (S. 1) is consonant with the Free Speech and Free Association provisions of the First
Amendment. The denial of equal access for speech or association by the Boy Scouts in a forum generally open to all other types of speech is unconstitutional viewpoint-based discrimination. Generally, Lamb v. Center Moriches Union Free School Dist., 113 S.Ct. 2141 (1993). And, as to this issue in particular, a Federal District Court in Florida recently ruled that such discriminatory exclusion of the Boy Scouts from public school facilities was unconstitutional, and enjoined the school district from such further discrimination. See generally, Boy Scouts of America v. Till, Case No. 00-7776-Civ-Middlebrooks-Bandstra (S.D. Fla. Mar. 17, 2000). The Boy Scouts of America Equal Access Act follows in that determination to prevent discrimination and seeks to insure equal and constitutional treatment of youth groups. The Boy Scouts, without regard to such organizations oath of allegiance to God and country, or the acceptance of homosexuality.

* * * * *

The Boy Scouts of America Equal Access Act is not only constitutional, the equal access that it seeks to protect is mandated by the Constitution.

The U.S. Supreme Court declared in Boy Scouts of America v. Dale, 120 S.Ct. 2446 (2000), that a religious speech exclusion (which is parallel to the moral viewpoint exclusion here) was unconstitutional viewpoint-based discrimination. The per se exclusion of a certain moral perspective is viewpoint-discriminatory. To make this point clear, the Court in Lamb’s Chapel used non-public forum standards to emphasize that another context the Center Moriches School District has engaged in unconstitutional viewpoint-based discrimination because of its religious speech exclusion. See e.g., Lamb’s Chapel, 113 S.Ct. at 2141.

In Lamb’s Chapel, the Center Moriches school district allowed dozens of groups to engage in hundreds of expressively active activities, but denied a church the right to rent the facilities after school hours to show a film series to adults on child-rearing that included a film that was religiously and morally objectionable. The Court stated: “The film involved here no doubt dealt with a subject otherwise permissible under Rule 10, and its exhibition was denied solely because the film dealt with the subject from a religious standpoint. What has emerged from our cases is that the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.”—113 S.Ct. at 2147-48 (emphasis added, citations and quotation marks omitted).

* * * * *

Like the school district, in Lamb’s Chapel, public school districts afford hundreds of thousands of people the opportunity to express themselves through a myriad assortment of words and phrases. And, as in Lamb’s Chapel, the exclusion of the Boy Scouts is a reliance upon the censorship itself as a justification for such a flat ban. This circular reasoning cannot withstand the strict scrutiny test which must applied to such censorship. Such “overt, viewpoint based discrimination contradicts the Speech Clause of the First Amendment.”—113 S.Ct. at 2149, (Kennedy, J. concurring).

Even if the public school facilities were deemed to be non-public fora, a policy targeting the Boy Scouts for exclusion would fail the governing constitutional test. The Boy Scouts exclusion fails even this deferential standard.

There is simply no reasonable basis for the per se exclusion of speech by private actors based upon speech content. Ultimately, some public school districts claim the sheer power to exclude the private speech of the Boy Scouts because the school district says so. Such an assertion of a stark power to discriminate against a particular group because of its message is incompatible with the Constitution under any standard.

* * * * *

**CONCLUSION**

The Boy Scouts of America Equal Access Act is fully constitutional, and properly exercises Congress power of the purse to assure the constitutionally recognized rights and privileges of all youth groups, like the Boy Scouts, are protected and honored. While it may be that exclusion of the Boy Scouts has become fashionable since the U.S. Supreme Court’s decision in Boy Scouts of America v. Dale, 120 S.Ct. 2446 (2000), censorship and discrimination are not answers to disagreements over stands on moral issues. The First Amendment specifically permits a variety of viewpoints to be expressed in the marketplace of ideas, without fear of censorship or exclusion.

The Boy Scouts of America Equal Access Act, in turn, merely mandates what is constitutionally required. As Boy Scouts of America v. Till clearly illustrates, however, there is a clear and present need for such legislation.

*Mr. DORGAN. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. President, I ask consent to be recognized following the remarks of the Senator from Wisconsin.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. FEINGOLD.** Mr. President, what is the Senators opinion on this issue?

**THE PRESIDING OFFICER.** The Helms amendment in two degrees.

**Mr. FEINGOLD.** Mr. President, I ask the Senators consent to be temporarily laid aside so I can speak on the bill itself.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. FEINGOLD.** I rise to add my thoughts to this important debate about the proposed annual testing requirements for students in grades 3-8. This bill that we are debating would require states to implement annual testing in reading and math by the 2005-2006 school year; to develop national standards for these tests and have them ready for the 2005-2006 school year; and to implement annual assessments in science for students in grades 3-8 by the 2007-2008 school year. I commend the Senator from Minnesota [Mr. WELLS] for his commitment to ensuring that these tests are high in quality and do not have an adverse impact on students, teachers, schools, school districts, and States. I am pleased to be listed as a cosponsor of a number of his amendments to this bill to improve its testing provisions.

I actually heard a lot about this proposal for testing from the people of Wisconsin, and their response has been almost universally negative. My constituents oppose this proposal for many reasons, including the cost of developing and implementing additional tests, the loss of teaching time every year to prepare for and take the tests, the linking of success on these tests to ESEA administrative funds, and the perception that these additional tests will place on students, teachers, schools, and school districts.

I share my constituents concerns about this proposed Federal mandate. I find it interesting that proponents of the BEST Act say that this bill will return more control to the states and local school districts. I strongly support local control over our children’s day-to-day classroom experiences. In my view, however, this massive new federal testing mandate runs counter to the idea of local control.

Many States and local school districts around the country already have
testing programs in place. We should leave the means and frequency of assessment up to the States and local school districts who bear the responsibility for educating our children. Every State and every school district is different. A uniform testing policy may, therefore, be the best approach.

I am extremely concerned that this new Federal requirement will teach our children that education is not about preparing for their futures, but rather about preparing for tests. That education is really about sharp number two pencils and test sheets; about making sure that little round bubbles are filled in completely; and—if their school districts and states have enough money—maybe about exam booklets for short answer and essay questions. American students are already tested at many levels—in their classrooms, in their schools, in their districts, and in their States.

My home state of Wisconsin currently tests students in reading in grade 3 through the Wisconsin Reading Comprehension Test, and in reading, language, math, science, and social studies in grades 4, 8, and 10 with the Wisconsin Knowledge and Concepts Examination. Wisconsin also will require a high school graduation test beginning in the 2003-2004 school year. And this is in addition to regular classroom tests and quizzes and tests given at the district level by many of the 426 school districts in my State. Then there are students hoping to go to college, there is the pre-SAT, the SAT, the ACT and on and on.

I know; I have four kids who are just completing all that process, or have in the last couple of years. It is an awful lot of testing already.

One of my constituents who is a high school counselor said the high school students in her district spend so much time taking standardized tests that the district could award them one-half of a credit. That is if their test sheets. And for students who are struggling, a low test score on a standardized test can be demoralizing. Others simply do not care about the results of these tests on students.

Some students have high test anxiety and, as a result, grow to fear the tests. Others simply do not care about the tests, and fill in random answers on their test sheets. And for students who are struggling, a low test score on a standardized test can be demoralizing.

Most students, of course, try their best. But they are confused about why they are taking these tests, and many parents and students are confused by the results of these tests. Many teachers are unsure about how to interpret the test results. They see statistics that tell them about the numbers of right and wrong answers and about percentiles, but the test results provide little in the way of information for teachers to know where students are having problems. Because so many standardized tests are copyrighted and are used more than once, students, parents, and teachers do not have the opportunity to study the answers to the correct answers. They are unable to determine which concepts the students need help with, or for which concepts the students have demonstrated understanding.

These tests are real people, not numbers. Yet the testing program contained in this bill would judge our students, teachers, schools, school districts, and states by test scores.

In my view, linking funding sanctions to test performance sends the wrong signal. As I noted earlier, students respond differently to tests. To link education funding to a series of high-stakes tests not only does a disservice to our children, but to our students, parents, schools, school districts, and states.

I also fear that this new annual testing requirement will disproportionately impact disadvantaged students. As the Senator from Minnesota, Mr. Wellstone, has said so many times on this floor, we must ensure that all students have an equality of opportunity to be successful in school. To that end, I am pleased that the Senate adopted an amendment to this bill offered by the Senator from Maine, Ms. Collins, that would authorize full funding of Title I over the next ten years.
peers on standardized tests. We must ensure that schools have the resources to help these students catch up with their peers before students are required to take these new annual tests. If we fail to provide adequate resources to these tools and these students, we run the risk of setting disadvantaged children up for failure on these tests—failure which could damage the self-esteem of our most vulnerable students.

The issue of standards and testing is addressed in a cover story in the July 2001 issue of Phi Delta Kappan magazine, which is published by the International Association of Professional Educators of the same name. In his article, “Undermining Standards,” John Merrow discusses the dangers of high-stakes testing, arguing that “in many places testing has gotten ahead of developing and then implementing standards. He also expresses a concern about the impact of testing on the classroom, and on many teachers: that “test preparation is dominating classroom time, stifling creativity and imagination, and taking the joy out of teaching.”

Merrow continues, “Of course, the President’s plan might actually work the way the States will. That is, back away from making test scores the be-all and end-all of schooling, his plan might just scare school systems into putting more energy into learning.”

As my constituents have told me, this proposal does scare them—but not in the way the President has intended. I urge all of my colleagues to take a few minutes to read this article.

I am concerned that the emphasis that is placed on testing as a means of accountability in this bill could result in a generation of students who know how to take tests, but who don’t have the skills necessary to become successful adults.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, Senator Sessions has asked to be recognized for 2 minutes. I believe to call up an amendment. It would be fine with me if I could be recognized by consent following Senator Sessions’ statement.

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

Mr. SESSIONS. I thank Senator Dorgan. I appreciate his courtesy.

I call up amendment No. 600. This is an amendment I call the “Crisis Hot Line Grant.” It is an amendment for confidential reporting of individuals suspected of imminent school violence.

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

Mr. REID. There is no unanimous consent request made to set it aside.

The PRESIDING OFFICER. The Senator from Alabama has requested to bring up an amendment that requires unanimous consent.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

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

The PRESIDING OFFICER. The Senator from Alabama has the floor. The clerk will call the roll.

The bill clerk proceeded to call the roll:

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

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

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 600 TO AMENDMENT NO. 358

Mr. SESSIONS. Mr. President, I ask unanimous consent for a minute and a half to offer my amendment in relation to crisis hotline grants.

Mr. REID. I have no objection to the pending amendment being set aside.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. Sessions) proposes an amendment numbered 600 to amendment No. 358.

Mr. SESSIONS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for confidential reporting of individuals suspected of imminent school violence)

On page 577, line 2, strike the end of the paragraph and insert the following:

SEC. 4304. CONFIDENTIAL REPORTING OF INDIVIDUAL SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

“Subject to the provisions of this title and subsection (b) of section 4304, the fund may provide to States grants for expenditure by States to support local law enforcement entities for investigation of threats to the safety and security of students, school, or other individuals.

“(1) support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 24 hours a day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation; and

“(2) provide grants for personnel training to respond to telephones calls to hotlines described in paragraph (1);

“(3) assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet web-pages or resources;

“(4) enhance State efforts to offer appropriate counseling services to individuals who call hotlines described in paragraph (1) to help prevent them from harming themselves or others; and

“(5) further State effort to publicize services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.”

Mr. SESSIONS. Mr. President, I simply ask that this amendment be considered. Its purpose is to deal with the situation that we have seen in recent years in which teachers at school have caused serious violence or committed criminal acts and in which other people knew about it and did little to respond. I believe we can improve upon that.

In my State of Alabama, a crisis hotline was set up several years ago. In just a few weeks, they had 800 calls. For example, parents were calling in to say they heard that a certain child had a gun or a weapon or that they were threatening the lives of other people. Having such a hotline would allow the police and school administrators to know about those situations and to perhaps intervene and keep this from happening.

I think it is appropriate that this amendment be made a part of this legislation involving education. It does not appropriate money. It provides an authorized use. The moneys can be used for this, but it does not mandate its use. I do believe it is a policy that if more States followed, it could save lives by simply providing a 1-800 number that would be readily available to everyone in and about the school, including parents, to have a chance to call to express concern that something serious may be going on. Maybe they just want to say: Billy has a gun. Maybe the police could stop by and knock on Billy’s door and see if he has a gun and perhaps stop a crime.

I thank the Presiding Officer and the Senator from Nevada.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 640 TO AMENDMENT NO. 358

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside so I can call up amendment No. 640.

The PRESIDING OFFICER. Is there objection to the amendment?

Without objection, it is so ordered.

Mr. DORGAN. I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota (Mr. Dorgan), for himself and Mr. Reid, proposes an...
amendment number 660 to amendment No. 358. 

Mr. DORGAN. I ask unanimous consent of the Senate to dispense with the reading of the amendment, as it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

The Senate Finds:

The price of energy has skyrocketed in recent months; the California consumers have seen a 10-fold increase in electricity prices in less than 2 years; natural gas prices have doubled in some areas, as compared with a year ago; gasoline prices are close to $2.00 per gallon now and are expected to increase to as much as $3.00 per gallon this summer; energy companies have seen their profits doubled, tripled, and in some cases even quintupled; and high energy prices are having a detrimental effect on families across the country and threatening economic growth.

SEC. 2. SENSE OF THE SENATE CONCERNING THE NEED TO ESTABLISH A JOINT COMMITTEE TO INVESTIGATE THE RAPIDLY INCREASING ENERGY PRICES ACROSS THE COUNTRY AND TO DETERMINE WHAT IS CAUSING THE INCREASES.

It is the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to:

1. Study the dramatic increases in energy prices (including increases in the prices of gasoline, natural gas, electricity, and home heating oil);
2. Investigate the causes of the increases;
3. Determine the consequences of the increases on the consumers; and
4. Make such recommendations, including recommendations for legislation and any administrative or other actions, as the joint committee determines to be appropriate.

Mr. DORGAN. Mr. President, this amendment is a sense-of-the-Senate amendment calling for the creation of the House-Senate select committee to investigate energy prices.

I would like to speak just for a few minutes about the issue. Energy prices, as all Americans understand, have been skyrocketing through price spikes and other devices in recent months. The price of gasoline in many parts of the country is now over $2 a gallon. Some say it is going to go much higher.

The price of natural gas has doubled in much of the country over what it was a year ago. Those who, in the first 2 months of this past winter, suffered the coldest 2 months on record discovered that heating with natural gas put quite a hole in their budget because natural gas prices were doubled at a time when we had a very significant cold spell. Natural gas prices are still much higher than they have been previously.

Electricity prices are up. In some parts of the country they are way up. As all of us know, energy is not some option that people have the ability to decide whether or not they are going to use. Many morning virtually every American has a requirement to use energy. So this is not some optional commodity that people can use or not use as they see fit.

Some say, the reason for these price spikes is because that is just the marketing system working. It is not the market system working. The fact is, the market system is broken. In many of these areas, we have had merger after merger of big oil companies, with oil companies actually much larger and, therefore, exhibiting much greater control over markets. We see spot markets developing with a new class of energy traders. It is a very large enterprise where they are able to trade back and forth, often, prices are not disclosed or not transparent.

Let me, for a minute, discuss what is happening on the West Coast as part of this price problem. Two years ago, the cost of power in California was $7 billion. This year it is estimated it will be $70 billion—a tenfold increase. How does all that happen? Well, the price of natural gas moving into plants that produce electricity goes from an unregulated market into a regulated market; it goes from a retailer to a trader; then traded on the spot market; and an MCP that cost a certain amount in the morning could be double or triple or quadruple that value in the afternoon because it is in someone else’s hands, and now it is being traded again for a second time on the spot market.

So those folks in California who are paying dramatically higher prices for electricity are being hurt very badly. Some say that is just the market working. It is not, however, the market that is broken. We are supposed to have, in a circumstance where you have markets with great concentration of power, a referee of sorts. In this area of California, power would have been FERC, the Federal Energy Regulatory Commission. But FERC, for 2 or 3 years, has done its best imitation of a potted plant. It essentially has been unwilling to take any action in any set of circumstances.

So we have the opportunity and the possibility—in fact, in my judgment, the very real circumstance—of market manipulation and price manipulation in California and on the West Coast.

Gasoline prices, as I indicated, are up, way up. Contrary to the views of some of the administration, and some others, these price spikes are not due to environmental regulations for reformulated gasoline and more. In fact, reformulated gasoline contributed only 1 to 3 cents of the cost of making gasoline that was sold in the summer. Even if, however, in California, environmental regulations are contributing about 5 to 8 cents of gasoline production costs.

A March 2001 Federal Trade Commission investigation shows that individual refiners made deliberate decisions not to modify or expand refining capacity so they could tighten market supply and therefore drive up gasoline prices.

For example, the Federal Trade Commission found that three refiners only used modified facilities to produce reformulated gasoline for their own branded stations so the independent stations—the mom-and-pop stations—could not get reformulated gasoline. It created a spot market which drove up prices. One company even admitted to withholding supplies of reformulated gasoline at the most critical time to maximize profits.

All of this is going on, and the American people suffer because of it. I had once followed a car at an intersection in rural North Dakota one time. It was a 20-year-old car with a broken back bumper that had a bumper sticker that said: ‘We fought the gas war, and gas won.’ That bumper sticker would fit a lot of cars these days.

Senior citizens, with declining income, have to pay substantially higher energy bills. Farmers, trying to buy anhydrous ammonia these days—80 percent of the cost of which is natural gas—are discovering a horrible price for anhydrous ammonia. In addition to that, the price of the fuel they must use in their tractors to do spring’s work has been driven up dramatically. Truckers moving across this country back and forth have discovered they hardly make it these days with the price of gasoline and fuel.

And manufacturers are struggling with the cost of these increased energy spikes in price.

So if the market isn’t working, what should happen? I think we should have a select House-Senate committee to investigate energy prices.

Let me hasten to say quickly that there are some legitimate reasons we have had some price changes. We have had a tightening of supply, or price spikes. And there is that element of market manipulation and price manipulation. And that is very real. I do not discount that.

But you cannot attribute what is happening with energy prices just to that circumstance. We now have larger enterprises. We have bigger economic concentrations in this country that have the ability to control prices and manipulate supply. And this Congress, I think, needs to do something about that.

Congress has been very anxious to investigate almost anything in the last 10 years or so. It seems to me it ought to be anxious to investigate, on behalf of the American consumer, what has happened, what is happening, and with respect to the cost of energy in this country.

A century ago Teddy Roosevelt carried a big stick and said that Mr. Rockefeller could not control the price of gasoline and took effective steps to make that happen. It is time for us to do a thorough investigation with a select House-Senate committee to investigate energy prices.
I know at 4 o’clock the Presiding Officer is to recognize the Senator from Georgia. Is this an appropriate time to seek the yeas and nays on my amendment?

The PRESIDING OFFICER (Mr. BENNETT). The Senator may do that if he wishes.

Mr. DORGAN. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second to the motion? There appears to be.

The yeas and nays were ordered.

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

AMENDMENT NO. 376, AS MODIFIED

Mr. CLELAND. Mr. President, I call up amendment No. 376 and ask unanimous consent to modify the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 577, between lines 15 and 16, insert the following:

PART D—SCHOOL SAFETY ENHANCEMENT

SEC. 4351. SHORT TITLE.

This part may be cited as the ‘‘School Safety Enhancement Act of 2001.’’

SEC. 4352. FINDINGS.

Congress makes the following findings:

(1) While our Nation schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996-1997 school year.

(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the course of committing violent offenses.

(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

(6) Because of escalating school violence, the children of the United States are increasingly afraid that they will be attacked or harmed at school.

(7) A report issued by the Department of Education in August, 1998, entitled ‘‘Early Warning, Early Response’’ concluded that the reduction in the number of school violence is best achieved through safety plans which involve the entire community, policies which screen both behavior and violence, prevention and intervention, training 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, establishing procedures which allow rapid response and intervention when early warning signs of potential violent behavior are identified, and providing adequate support and access to services for troubled students.

SEC. 4353. NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY

(a) ESTABLISHMENT.—The Secretary of Education and the Attorney General shall jointly establish a National Center for School and Youth Safety (in this section referred to as the ‘‘Center’’). The Secretary of Education and the Attorney General may establish a board consisting of members appointed by the Secretary of Education and the Attorney General. The Attorney General may appoint a Director of the Center to oversee the operation of the Center.

(b) DUTIES.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

(1) EMERGENCY RESPONSE.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, 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.

(2) ANONYMOUS STUDENT HOTLINE.—The Center shall establish a toll-free telephone number for students to report criminal activity, violent activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior. The Center shall relay the report without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General, the Federal Bureau of Investigation, the Department of Education, and the Department of Justice to establish guidelines for the use of such hotline.

(3) CONSULTATION.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement, public safety, and community justice, and community development to assist in the consultation.

(4) INFORMATION AND OUTREACH.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall develop useable models to assist schools improve school safety programs and information. The staff of the Center shall work to ensure 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. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

(c) FUNDING.—There is authorized to be appropriated under this section—

$25,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2005.

SEC. 4354. SAFE COMMUNITIES, SAFE SCHOOLS.

(a) GRANTS AUTHORIZED.—Using funds made available under subsection (c), the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall, in consultation with the National Center for School and Youth Safety, award grants to State and local governments, school districts, educational institutions, educational organizations, public and non-profit educational service providers, educational service agencies, military education and training services, including a business or organization, whether private, for-profit, or voluntary, that provides care or case placement services, including a business or organization that licenses or certifies others to provide care or case placement services, or (B) an elementary or secondary school.

(b) AUTHORIZED ACTIVITIES.—Funds provided under this section may be used for activities that may include efforts—

(1) increase early intervention strategies;

(2) expand parental involvement;

(3) increase students’ awareness of warning signs of violent behavior;

(4) promote students’ responsibility to report the warning signs to appropriate persons;

(5) promote conflict resolution and peer mediation programs;

(6) increase the number of after-school programs;

(7) expand the use of safety-related equipment and technology; and

(8) expand students’ access to mental health services.

(c) FUNDING.—There is authorized to be appropriated to carry out this section—

$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2005.

SEC. 456. AMENDMENTS TO THE NATIONAL CHILD PROTECTION ACT OF 1993.

Section 3(10) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(10)) is amended to read as follows:

(10) the term ‘‘qualified entity’’ means—

(A) a business or organization, whether private, for-profit, or voluntary, that provides care or case placement services, including a business or organization that licenses or certifies others to provide care or case placement services, or

(B) an elementary or secondary school.

Mr. CLELAND. Mr. President, I yield myself such time as I may consume.

The modified amendment I offer today reduces funding for the National Center for School and Youth Safety from $50 million to $25 million, and it creates separate authorizations for the National Center and the Safe Communities, Safe Schools grant program.

It has been almost 2 years ago to the day that a 16-year-old boy brought a .22-caliber rifle and .375 magnum revolver to Heritage High School in Conyers, GA and opened fire on six students. The shooting occurred in my hometown of Lithonia, GA, where I grew up. The day was May 20, 1999, exactly one month after the deadly Columbine High School massacre, which took the lives of 15 people.

Growing up in my hometown, I was fortunate to have had a great childhood—with two wonderful parents, supportive teachers in school and in church, and a community that cared. When I was in school, the strongest drug around was aspirin, and the most lethal weapon was a sling shot. The shootings at Heritage High, at Columbine, the school shootings in Springfield, OR, in Jonesboro, AR, in Westside, KY, at Hanging Rock, NC, and School tragedies around the country underscored in red the crisis of juvenile violence in America. Our schools were once safe havens in this country. Today, according to data from the Department of Education, they are the setting for one-third of the violence involving teenagers in this Nation. In fact, data from the Departments of Justice and Education found that in 1999, 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. . . ."
May 14, 2001

CONGRESSIONAL RECORD — SENATE

S4873

The amendment I am offering today is based on legislation developed in the last Congress by Senator Robbins of Virginia and is entitled "Early Warning, Timely Response," which concluded that the reduction and prevention of school violence are best achieved through safety plans which involve the entire community. Accordingly to that landmark report, the most effective plans are those which: 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.

My amendment, The School Safety Enhancement amendment, would establish a National Center for School and Youth Safety tasked with the mission of providing schools with adequate resources to prevent incidents of violence. 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 incidents once they occur. My amendment would also establish—this is important—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, and antisocial behaviors. 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.

In addition, my amendment would boost coordination among the three Federal agencies most involved with the crucial issue of school safety by authorizing 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: early identification of students, parents, educators, counselors, psychologists, law enforcement officials and agencies, and civic leaders. Grant funds may be used for activities that may include efforts to increase early intervention strategies; expand parental involvement; increase students' awareness of warning signs of violent behavior; promote conflict resolution; increase the number of after-school programs; and expand the use of safety-related equipment and technology.

The School Safety Enhancement amendment is endorsed by the National Education Association, the Children's Defense Fund, the International Brotherhood of Police Officers and the Georgia Association of Chiefs of Police. On behalf of America's schoolchildren and safety in our schools, I urge my colleagues to vote for this amendment. Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, the quorum call is rescinded.

Mr. CLELAND. Mr. President, I ask unanimous consent that time under the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the time is equally divided between the Senator from Georgia and an opponent of the amendment.

Mr. KENNEDY. Mr. President, if the Senator from Georgia would be good enough to yield on his time, I don't know of opposition. We haven't been notified of the opposition. I want to take a moment to share with our colleagues a bit of the background on this amendment. This has been something that the Senator from Georgia has been interested in and committed to for some period of time. During the past weeks and months, he has taken the time to speak to me on a number of different occasions. He has talked to the members of the Education Committee about this issue. I am familiar with the fact, going back over a period of time when the Senate considered the reauthorization of this legislation previously, over a year ago, that the Senator from Georgia was very much involved in the developing of the legislation. He has read closely, obviously, the Department of Justice and Education study, which came out in 1998. In that study, this was one of the recommendations that they had. But he has taken a broad recommendation and sharpened it a good deal.

I know he has spent a good deal of time talking to those who had initially been involved in recommending the study and has prepared this in a way which I think is enormously important and can be incredibly helpful. As I was listening to the Senator and thinking about the times he has talked to me about it, I hope we are going to have the sufficient resources to be able to deal with this issue. I am convinced that if we can get this started and get a few other parts of the things that the good Senator from Georgia has hoped that it would achieve and accomplish, we can develop the kind of enhanced support for this program that is necessary.

What the Senator is basically pointing out is the great challenges of so many of the young people who are in school, going to school, after school, in a school community, and the kind of violence that is affecting these young people. It is a form of intimidation, a form of bullying, and it obviously has had very important adverse impact on the willingness of children to either go to school or their attitude toward school when violence takes place in the time period after school but in the proximity of the school. He has framed it in a broad way to challenge the center itself to draw on all of the community and community resources, which I think is obviously enormously useful. He is talking about the entire community, and he is talking about steps that can be taken in terms of prevention and intervention. He is talking to the various school personnel so they will have the training which too many of them don't have now to be able to anticipate these problems. He is talking about involvement of the students themselves and community members in these activities.

I can think of a number of different schools in my own city of Boston where children themselves have become very much involved in assuring safe passage, so to speak, for children to be able to go to the school, while they are at school, and after school. It is a very important success. This is one of those situations where some guidance, some training, some information in the community can have an enormous payoff. I think the result will be a safer climate and an atmosphere in which the children can learn.

Mr. President, this is a very well thought-through program. He has done a great deal of work in the fashioning and shaping of it. The security of the children in school we try to address to some extent in the safe and drug-free schools. I can see this as a complement to those efforts as well. I think as a result of this amendment the children in that community, as well as teachers and parents, and the whole climate and atmosphere around schools, which in too many instances, tragically, are threatened, would be made safer and more secure.

I commend the Senator for his initiative and thank him for his work in this
area, and I indicate that I hope, when the Senate does address this issue, we have very strong and overwhelming support.

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. JEFFORDS. 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. JEFFORDS. Mr. President, I want to give people notice that there will be a change in the time of the vote this evening. I ask unanimous consent that the previously scheduled vote begin at 5:45 today.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed without the time being charged to either side.

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

AMENDMENT NO. 460

Mr. KENNEDY. Mr. President, I was not here at the time my good friend, the Senator from Nevada, Mr. RIEFD, offered his amendment about afterschool literacy programs. This would expand the 21st Century Community Learning Centers’ eligibility to certain organizations that act to provide language and life skill programs for limited-English-proficient students.

I wish to add my support for that program. We had an excellent debate last week when the Senate addressed the issue about increasing support for the limited-English-speaking programs. We pointed out at the start of the debate that, under the existing legislation, we were only reaching about 25 percent of the children who would need these programs.

Then time was taken by the good Senator from Arkansas, myself, and others to point out what has been happening in our school systems with limited-English-speaking students. The number of children has doubled in the last 10 years.

If one looks at what happened over the next several years, the numbers went up dramatically. This is true with regard to my good friend, Mr. Cleland, but it is also applicable to other children.

I mentioned earlier in the debate my not so recent, several months ago, visit to Revere High School in Revere, MA, where they have children speaking 43 languages. The school is involved in 12 to 15 language classes and expects to expand in the next few years. It is an enormous challenge to schools, but schools are attempting to respond in an extraordinary way.

Encouraging afterschool programs, encouraging programs in these after-school settings makes a good deal of sense to me. There are a variety of activities in the afterschool programs. In many instances, there are excellent tutorial services, excellent supplementary services. In some areas, there are just athletic programs.

There are different programs in each afterschool program. For example, in one I visited recently, they have an excellent photography program and also a second program in graphic arts. A number of the children were coming to this afterschool program.

The fascination of the children in graphic arts and also in photography was overwhelming. Because children were interested in those activities, they were becoming more interested in their school work as well. It has a symbiotic effect.

Senator Reid’s amendment makes sure children will also have an opportunity for continued training in language in the afterschool programs. If the local jurisdiction chooses to do so, it can utilize the assets they have for that type of activity. It makes a great deal of sense to me. The Senator is to be commended for it.

We have found that where we have these effective programs, the favorable impact in student achievement has been extraordinary, and where we do not have these programs, the children have difficulties.

This is a continuum of opportunity for children with limited English capability, and it is a wise policy decision. I congratulate the Senator for his initiative and hope the Senate will support the amendment when we have the opportunity to do so.

I suggest the absence of a quorum, with the time to be charged to the opposition to the amendment of the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, how much time is in opposition?

The PRESIDING OFFICER. There are 5 minutes 8 seconds left in opposition.

Mr. KENNEDY. I yield myself that time.

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

Mr. KENNEDY. Mr. President, I see my friend on the floor, the Senator from Georgia, who is the primary sponsor of this amendment. I now have the excellent study which was the basis of his amendment. “Early Warning, Timely Response: A Guide to Safe Schools.” I know he is familiar with this study. One of the conclusions in this excellent study is that there is valuable information available on recognizing the warning signs of violent behavior; that in my hometown of Lithonia, GA, has within its Heritage High School. That community was in shock, in trauma really, for months after the school shootings there. The community was wondering what in the world to do, whether to enhance counseling, whether to improve police protection, whether to enforce tighter laws or what.

With this center that we are setting up, the National Center for School and Youth Safety, one call can inform any community that goes through such a tragedy and such trauma what other communities have done and what resources are available to assist them. These are not resources just available to schools; these are resources available to counselors and law enforcement agencies as well.

I note that not only are the teachers of America—the National Education Association—behind this legislation, and those who defend our children in America—the Children’s Defense Fund—but also law enforcement is behind this piece of legislation—the International Brotherhood of Police Officers and the Chiefs of Police in my own home State.

I am thrilled with this kind of support, but, again, the Senator is correct. This amendment was really the outgrowth of a report in 1998, issued by the Department of Education, that found, in coordination
with the Department of Justice, this incredibly high number of incidents of violence. I thought it was incredible that students from age 12 to 18 were victims of more than 2.7 million crimes at school and the victims of 253,000 serious violent crimes.

What I have observed growing up in my home community, this level of violence, this level of crime, was unheard of, unthinkable. I can remember our high school principal articulated a principle that is embodied actually in this legislation that school cannot live apart from the community. So our schools are not just separate oases out there, monasteries that are separate from the community; they reflect what is going on in the community. That is why our approach isn’t just some assistance to schools or teachers and counselors; it is assistance to law enforcement, to community leaders, nonprofit organizations, because violence is that broad bound, and it is not just located in one particular place.

The distinguished Senator from Massachusetts is correct. It is one reason why we have incorporated immediate access to this center in a form of a toll free, nationwide hotline for students to report criminal activity, threats of criminal activity, high-risk behavior such as substance abuse, gang or cult affiliation, or other warning signs of potentially violent behavior.

There is a special emphasis, too, on rural and impoverished communities. Violent behavior has no boundaries. Our rural and impoverished communities are just as susceptible to violence as any others.

I thank the Senator for his willingness to assist me in this amendment. I thank him and his staff for the courtesies they have exhibited toward us.

Mr. KENNEDY. Mr. President, I remind the Senate that the study, which is the basis for this amendment, is entitled “Early Warning, Timely Response: A Guide To Safe Schools.” The study itself was sent out to principals of schools across the country, but if teachers or parents are interested, they can write the Department of Justice or the Department of Education and get this study. It is also available on line as well.

I want to mention one quote from Wilmer Cody, Kentucky Commissioner of Education:

Coordinated school efforts can help. But the solution does not just rest in the schools. Together we must develop solutions that are community-wide and coordinated, that include schools, families, courts, law enforcement, community agencies, representatives of the faith community, business, and the broader community.

I think that is what is unique in the Cleland proposal. It isn’t just relying on one aspect of the community; it includes all of those elements. It is described in this report. I think it will be a central component of a solution of essential importance to every school in this country. I think every school in the country would be wise to continue to upgrade their own information because it will be a resource that will explain what is working, what has been effective, what has been successful.

Finally, we have to start by recognizing that schools are safe places. They are safe places for children. We are mindful of the tragedies, the tragic killings that have taken place, the shootings that have brought such enormous tragedy to the families of people who have been affected by acts of violence.

Parents are constantly concerned about how safe their children are when they go to school every day. But the essential fact is, children are safe in their schools. I think people understand that. We understand that. But we want to make sure they are going to continue to be safe. There are too many instances of violence. The instances that have occurred are a real concern to us. We want to reduce them and make the schools even safer.

That is what the amendment of the Senator from Georgia is all about. As I mentioned, I hope those who follow this debate—and it is a difficult debate to follow since we are on this legislation for a few days and then have intervening ballots—I hope they will have the chance to review that study and this amendment. We think this amendment will be an important addition to the bill.

I thank the Senator again.

Mr. CLELAND. Will the Senator yield?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. CLELAND. Mr. President, I ask unanimous consent that Senator Levin be added as a cosponsor to this amendment.

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

Mr. CLELAND. I thank the Senator from Massachusetts for his leadership.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 467 TO AMENDMENT NO. 358

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the two pending amendments be temporarily laid aside and I call up amendment No. 465.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. Finkoold, proposes an amendment numbered 465 to Amendment No. 358.

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

The amendment reads as follows:

(Purpose: To improve the provisions relating to assessment completion bonuses)

On page 776, strike lines 1 through 5, and insert the following:

“(b) ASSESSMENT COMPLETION BONUSES.—

(1) IN GENERAL.—At the end of school year 2006-2007, the Secretary shall make 1-time bonus payments to States that develop State assessments that are required under sections 1111(b)(3)(F) that are of particularly high quality in terms of assessing the performance of students in grades 3 through 8. The Secretary shall make the awards to States that develop assessments that involve up-to-date measures of student performance from multiple sources that assess the range and depth of student knowledge and proficiency in meeting State performance standards, in each academic subject in which the State is required to conduct the assessments.

(2) PEER REVIEW.—In making awards under paragraph (1), the Secretary shall use a peer review process.

Mr. WELLSTONE. Mr. President, this amendment that I have called up—I do it now because I am hoping—and I certainly thank the Senator from Vermont for his focus on policy last week and his support of an amendment I had on testing. But this amendment is really simple and straightforward. I thought tonight would be a good time to introduce it.

In S. 1, the Secretary can give bonuses to States if they complete their assessments ahead of the deadline outlined in the law, which is the 2005-2006 school year.

What we are saying in the amendment is that actually what we ought to do is, instead, give bonuses to States for developing and using high-quality assessments. That is really where any bonus ought to go.

So what this amendment would do is change the bonus grant so the rewards would go to States if they develop high-quality assessments as determined by a peer review process that would be set up by the Secretary—that is done all the time—instead of awarding grants to States just because their assessments get done quickly.

The point is not whether they are done quickly, the point is to make sure this is high-quality assessment. To emphasize the thoughtful development of high-quality assessments, those bonuses would not be rewarded until the date at which the new annual testing goes into effect.

So I want to start out by saying to colleagues that this is very consistent, interestingly enough, with the piece that the Secretary for Education wrote in the Washington Post this weekend. He writes:

A good test, the kind the President and I support, is aligned with the curriculum so students know whether children are actually learning the material that their States have decided the child should know.

So I am saying now and what I was saying last week—that I absolutely agree and, of course, the majority of my colleagues agree—but let’s make sure that the basic conclusions that the tests are comprehensive—you don’t just have to take off-the-shelf, single standardized test—and that the tests
are coherent, that they are measuring the curriculum being taught, and they are continuous so we can measure the progress of a child over time.

Well, I think what Secretary Paige said in his op-ed piece in the Washington Post is, yes; we want to make sure that it is high-quality testing. So I was looking at the language in the bill, I say to my colleagues, and I thought, wait a minute, we don’t want to have an incentive saying that the sooner you do the assessment, the more likely you get a bonus because then the incentive is all in the wrong direction.

What we really want to say is we do not want people rushing and we do not want people as a result of that rush—and I have heard Senator KENNEDY talk about this more than once—to use off-the-shelf, relatively low level tests. We want to reward States and provide bonuses for doing high-quality testing. That is what this amendment is about. It was earlier, but I think my colleague and friend from Wisconsin, Senator FEINGOLD, who is a co-sponsor of this amendment. He came to the Chamber earlier, and I understand he made some very thoughtful comments on the issue of high-quality and fair assessments, and he also raised some very legitimate questions and concerns about the direction in which we are moving.

I could spend a lot of time on this. I do not need to draw from the different reports and studies that have taken place about the importance of getting it right and making sure this is high-quality testing.

If we want to get the tests right, then we ought to provide bonuses for States that do the best job. That is really where the bonuses should go.

My point is, let us enhance the accountability systems by enhancing the quality of assessments so that we do not not test it as it is, and the way to do that is to provide incentives for States, bonuses for States that do a high-quality job with high-quality tests.

That is what I tried to do last week and this week—and I so appreciate the support of the Senators from Massachusetts and Vermont. There will come a point in the debate where I am going to raise the philosophical question—which I do not know I have answered in my own mind—as to whether the Federal Government ought to be dictating this to all States and the way we do this is to provide financial incentives for States, bonuses for States that do a high-quality job with high-quality tests.

The two colleagues who are in the Chamber, the Senator from Massachusetts and the Senator from Vermont, have made the same point: We need the resources to go with accountability.

One way I propose to do it at a good time—that is to trigger an amendment—linking the new testing to the funding 79 of us voted for in the Dodd-Collins amendment on fully authorizing title I. My amendment would ensure that there is additional money for reading help, quality teachers, preschool and afterschool care.

All that is going to be a key debate. Right now I am in a pragmatic mood, and I am just trying to make sure the testing is done the best possible way. Even if I do not want to accept further the idea of a test, I still want it to be the best possible bill.

I think we ought to provide the bonuses for the high-quality testing. It seems to me a mistake that the bonuses go only to the States that develop their assessments as quickly as possible. I hope I get support from my colleagues.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for what I hope will be an accepted amendment. The administration is offering the bonuses to encourage States to move ahead. The Senator has rightfully put his finger on the fact that we want to make sure the tests are not going to be off-the-shelf tests and responding to rote information but are a reflection of what the children actually learned and how they then accept this amendment.

That is done in a number of States at the present time. The administration wanted to provide encouragement to States to do it. We had, the Senator may remember, in the previous element and second paragraph title I program, put in a provision encouraging States to do it, and only 10 or 12 States actually did it. We provided flexibility for them to do it in the elementary, middle, and then the senior year. A number of the States did but most did not.

The administration was trying to encourage States to move ahead. I support that concept, but I absolutely agree with the Senator from Minnesota: First, we want to have good tests. We had that debate last week.

The bill is strengthened with the amendment of the Senator from Minnesota. This is a follow-on that says we want to encourage good tests and we want to get it done as early as possible.

As I understand, there are 15 States now which have tests between the third and the eighth grade. The basic reviews, the studies that have been done on those tests, say of the 15, 7 States have tests that are generally recognized to meet this criterion to test the children’s ability to think and comprehend the information and then be able to respond to challenges using that information in an effective way in response to questions. We want to encourage that.

It takes time to do tests well. There are a number of steps. We want good tests. We want a good curriculum. We want well-trained teachers. That is where we are trying to do, get well-trained teachers, and we have the provisions in the legislation to do that. We want to get the curriculum formed, and we have provisions in the legislation to do that.

We want accountability with tests which are encouraging, and with the Wellstone amendment we can do that. With the Wellstone amendment and the bonuses, this is a very useful and helpful amendment. We want good tests and we want well-trained teachers, and we have the provisions in the legislation to do that. We want to get the curriculum formed, and we have provisions in the legislation to do that.

The PRESIDING OFFICER. The Senator from Massachusetts.

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of trouble to some of our colleagues, but I hope at the appropriate time we can move ahead and accept the amendment.

I thank the Senator for the development of this amendment. This amendment and the other amendment he had immeasurably strengthen the legislation.

I don’t want to end this part of the discussion without saying I agree with him about the importance of the resources and I am somewhat more hopeful than he is that by the end of the day we are going to be able to get them. Maybe it is a false hope. I do not believe it is. But I know he will be helping us and doing everything he can to help us get them whenever we can.

I know the depth of his own feeling. I respect it, although I might have some difference in the final conclusions he comes to with regard to the overall legislation.

This is an important amendment. I am hopeful it will be accepted at an appropriate time.

The PRESIDING OFFICIAL. The Senator from Minnesota.

Mr. WELLSTONE, I thank the Senator for his gracious remarks and thank him for his support of this amendment.

Mr. JEFFORDS. Mr. President, I call up Senators Voinovich’s amendment No. 389.

The PRESIDING OFFICIAL. The amendment to the amendment offered by the Senator from Washington, Mrs. MUKULSKI is agreed to.

The amendment (No. 367) was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to call up amendment No. 600 of Senator Sessions. The PRESIDING OFFICIAL. Without objection, it is so ordered.

Mr. JEFFORDS. I ask unanimous consent to vitiate the yeas and nays. The PRESIDING OFFICIAL. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS. I believe this amendment is acceptable to both sides. I ask the Senator from Massachusetts. Mr. KENNEDY. Yes. Mr. President, I hope the Senate will accept this amendment. The Senator explained it earlier, and I think it is a useful addition to the legislation. I hope it will be accepted.

The PRESIDING OFFICIAL. The question is on agreeing to the amendment.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote. The motion to lay on the table was agreed to.

The PRESIDING OFFICIAL. The amendment (No. 600) was agreed to.
of the bill and a number of corrections, I believe the underlying bill accomplishes what I have sought, and that is to allow the States to have discretion to use funds under this bill for classroom size or additional teachers if they choose to do so.

There is a long and involved history to this issue which came up on the appropriations bill which I managed last year in my capacity as chairman of the Appropriations Committee, Subcommittee on Labor, Health, and Human Services. But in any event, the objective which I have sought will be accomplished by the underlying bill, and it would simplify the process if I withdraw the amendment, which I hereby do.

I thank the Chair.

Mr. JEFFORDS. I thank the Senator from Pennsylvania.

Mr. SESSIONS. Mr. President, I would like to make a few remarks on amendment No. 600, as agreed to.

Mr. JEFFORDS. Go ahead.

Mr. SESSIONS. We appreciate the courtesy of the Senator from Alabama.

But I think we are not quite prepared to offer a consent agreement on the procedures for tomorrow. We are awaiting that agreement. We welcome the Senator’s comments on that legislation.

The PRESIDING OFFICER. The amendment is withdrawn.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to make a few remarks on amendment No. 600, as agreed to.

Mr. JEFFORDS. Go ahead.

Mr. SESSIONS. We appreciate the courtesy of the Senator from Alabama.

But I think we are not quite prepared to offer a consent agreement on the procedures for tomorrow. We are awaiting that agreement. We welcome the Senator’s comments on that legislation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, one of the things we have learned from the shootings in a number of the schools that have traumatized all of America is that quite often certain individuals, family, schoolmates, or others had reason to believe that a child might be about to commit some serious act of violence. But in each of those cases, no real intervention occurred, and the act of violence was carried out.

Back in my hometown of Mobile, AL, we had a problem of children using guns and bringing them to school. I was a U.S. Attorney, and we had a big meeting with the district attorney and the sheriff, the juvenile judge, the juvenile referee, the Colleagues for Drug Free Mobile, and the Drug Council. We talked about how to deal with it, and we came up with the idea of a bumper sticker that we called “Kid With A Gun Call 911.”

The police chief said if they received a call from a parent or a child who made a serious allegation that another child was carrying a weapon or maybe about to plan something dangerous, the police would follow up on that call. Bumper stickers were put on the police cars, and the message got about town.

Later, the State of Alabama adopted a hotline in which they set up the same kind of thing with a centralized 24-hour-a-day center to receive those calls from all over the State. Within 2 weeks of the setting up of that hotline, quite a number of calls were received. I think there were about 400 calls in that short period of time. Many of those came from 5 to 9 o’clock at night and came from parents or grandparents of children who had seen or heard things that troubled them where the kids went to school.

I believe a hotline of this kind should be given serious consideration by other States.

This legislation will make clear that the funds already appropriated can be used for safe schools and violence prevention, and that creating a hotline of this type would be a permissible use of that money.

A mechanism needs to be set up so that anyone who has a serious cause for concern would know precisely where they could call. They would not have to give their name under most circumstances. Then perhaps something could be done to intervene in the situation.

If, for example, a child comes home and says that down the street in the vacant lot Billy is playing with a gun, and he says he is going to shoot somebody, then the public, or somebody at home could make that call. Somebody would come out and check it out. They are not going to arrest the person if he doesn’t have a gun. They are just going to ask questions about it.

Perhaps those kinds of immediate responses and immediate interventions would be effective in reducing the likelihood that a child would actually go and shoot someone. In fact, we could get a lot of illegal weapons off the street.

I think this is a good approach. It is legislation that we discussed in depth when the juvenile justice bill was moving through this Senate and passed this Senate. I report that this bill never became law. I think that this provision is appropriate for schools. I believe it would be a good preventive tool for violence.

I thank the Senate and the leaders on both sides for agreeing to allow this amendment, and I made a part of this bill. I hope and pray that this type of intervention may prevent violence and possibly save lives.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

The amendment is as follows:

(Purpose: To amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers)

On page 989, after line 14, add the following:

SEC. 4. LOAN FORGIVENESS FOR HEAD START TEACHERS.

(a) SHORT TITLE.—This section may be cited as the “Loan Forgiveness for Head Start Teachers Act of 2001.”

(b) HEAD START TEACHERS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(1) in subsection (b), by amending paragraph (1) to read as follows:—

“(A) has been employed—

(i) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

(ii) as a Head Start teacher for 5 consecutive complete school program years under the Head Start Act; and

(B) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower’s academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed;

(iii) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and

(iv) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and—

(2) in subsection (g), by adding at the end the following:

“(3) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in clause (ii) of subsection (b)(1)(A) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2001.”;

(3) by adding at the end the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated such sums as may be necessary for fiscal year 2007 and succeeding fiscal years to carry out loan repayment under this section for service described in clause (ii) of subsection (b)(1)(A).”;

(c) CONFORMING AMENDMENTS.—Section 428J of such Act (20 U.S.C. 1078-10) is amended—

(1) in subsection (c)(1), by inserting “or fifth complete program year” after “fifth complete school year of teaching”;

(2) in subsection (b), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)”; and

(3) in subsection (g)(1)(A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)”; and

(4) in subsection (b), by inserting “except as part of the term ‘program year’, before the where”.

(d) DIRECT STUDENT LOAN FORGIVENESS.—

(1) IN GENERAL.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087-1) is amended—

(A) in subsection (b)(1), by amending subparagraph (A) to read as follows:—

“(A)(i) has been employed—
That window of opportunity can be impacted by things that are within our control.

To maximize their potential, we must begin to teach our children the necessary learning skills as early as possible; well before they reach kindergarten.

There is countless amounts of research and data that shows that by focusing on these earliest years, we can make a significant difference in the child’s development and capacity to learn, and I know of few other programs that provide that kind of focus as does Head Start.

The amendment that I am offering is designed to encourage current Head Start teachers who are enrolled and incoming college students working on a bachelor’s or a master’s degree to pursue a career as a Head Start teacher.

In exchange for a 5-year teaching commitment in a qualified Head Start program, a college graduate with a minimum of a bachelor’s degree could receive up to $5,000 in forgiveness for their federal Stafford student loan.

When I was in Ohio, we invested heavily in Head Start, increasing funding from $18 million in 1990, to $180 million in 1998.

By the time I left office, there was a space available for every eligible child in Ohio whose parents wanted them in a Head Start or preschool program, and because of our efforts, Ohio led the Nation in terms of children served by Head Start. Today, there are 60,000 children in our Head Start programs.

Now, that I am in the Senate, I continue to believe that it is absolutely critical that we do more to help our young people prepare to begin school ready to learn.

In this regard, I was pleased to work with Senators Jeffords and Stevens last year to help pass the Early Learning Opportunities Act. Still, we must now do more to help those teachers who educate our youngest children.

The results of a survey undertaken by the U.S. Department of Health and Human Services in 1999 and 2000 has shown a significant correlation between the quality of education a child receives and the amount of education that child’s teacher possesses; that is, the more education a teacher has, the more effectively they teach their students cognitive skills, the more likely the students are to act upon those skills.

Current Federal law requires that 50 percent of all Head Start teachers must have an associate, bachelor’s, or advanced degree in early childhood education or a related field with teaching experience.

Under Ohio law, by 2007, all Head Start teachers must have at least an associate’s degree. It is hoped that this requirement will encourage Head Start educators to pursue a bachelor’s or even an advanced degree. After all, the more knowledge we have, the better off our children will be. Unfortunately, as we all know, education can be expensive.

In Ohio today, only 11.3 percent—242 of the 2,120 Head Start teachers employed in the State have a bachelor’s degree. Additionally, less than 1 percent—20 of Ohio’s Head Start teachers have a graduate degree. We must do more to help our teachers afford the education that will be used to help educate our children.

If we do not intervene at this critical time in a child’s life with programs such as Head Start and the Early Learning Opportunity Act, we will not only fail to reach our goal of “no child left behind.” One of the best uses of our Federal education resources is to target them toward our youngest citizens where they can have the most impact.

Recruiting and retaining Head Start and early childhood teachers continues to be a challenge for Ohio and other States.

This amendment—which is based on the bill that Senator Feinstein and I introduced, the Loan Forgiveness for Head Start Teachers Act, S. 123 will help communities, schools and other Head Start providers to meet the challenge of recruiting and retaining high-quality teachers.

It is one of the best ways that I know of where we can make a real difference in the lives of our most precious resource—our children.

I am pleased to have been able to work with the National Head Start Association, the Ohio Head Start Association, and my Senate colleagues on this legislation. I urge the Members of this Chamber to support this amendment.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

Mr. VOINOVICH. Mr. President, I yield the floor to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise in support of Senate passage of the James Guelff and Chris McCurdy Body Armor Act. This bill is named after two police officers who were killed in the line of duty by criminal assailants wearing body armor.

I thank Senator Sessions, Senator Hatch, and Senator Leahy, among others, for working so diligently with me to write and pass this bipartisan legislation.

I would also like to recognize Lee Guelff, brother of James Guelff, as well as the many other individuals who worked tirelessly on behalf of this legislation.

I introduced this legislation almost six years ago in response to the death of San Francisco police officer James Guelff. On November 13, 1994, Officer Guelff responded to a distress call. Upon reaching the crime scene, he was confronted by a heavily armed suspect who was shielded by a kevlar vest and bulletproof helmet. Officer Guelff died in the ensuing gunfight.
Mr. JEFFORDS. Mr. President, I ask unanimous consent that at 10:30 a.m. on Tuesday the Senate resume consideration of the Murray amendment No. 978 and that the time be equally divided in the usual form.

I further ask unanimous consent that at 2:20 on Tuesday the Senate proceed to a vote in relation to the amendment and no amendments be in order to the amendment, and there be 5 minutes equally divided for closing remarks prior to the vote.

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

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I saw in the newspaper this morning the headline in the Washington Post “Business Seeks Tax Breaks in Wage Bill.” This is a reference to the inevitability that I and others are going to offer an increase in the minimum wage. This story is a reference to what the business lobbying groups are doing in preparation for that particular legislation and how they intend to add additional kinds of tax reductions for companies and corporations on that piece of legislation.

We have just seen in the Senate last week a tax reduction of $1.35 that is excessive and unfair in terms of its allocation among Americans. A number of us voted in opposition to it. We recognized that even in that proposal there wasn’t a nickel—not 5 cents—an increase for education over the next 10 years—nothing.

We found $1,350,000,000,000 in tax reductions, but we couldn’t divert any of those resources to education, particularly educating the needy children on whom this legislation is focused, recognizing that these children are our future, are our resources, and what we are trying to do is to give greater support to the children and to get greater accountability for the children, the schools, parents, and communities, as well, in this legislation.

It is good legislation, I support it, but I do not think it is sufficient.

We are going to have a chance to revisit that issue when the Finance Committee reports back in the next few days with their product on the allocation of taxes, on who is going to get the tax reductions. Many of us will have the opportunity again to present to the Senate: Do we want to use that money, which otherwise would go back in terms of reduced taxes, to help working families working 40 hours a week. Do we want to use it to fund education for children in this country?

We will have an opportunity to vote on that several times when the bill comes back. The idea is that ink isn’t even dry on that legislation and already our Republican friends on the other side are licking their lips, waiting for an increase in the minimum wage, which is a target to try to help working families working 40 hours a week, 22 weeks of the year, to help them out of poverty.

We have the Republican leader ARMS saying:

There is a general resolve, especially amongst Republicans, that we put this kind of disincentive in the employment of people on the lowest rungs into play without trying to compensate for its adverse employment effects.

In other words, schools are out, and we are going to have a lot more besides the $1.35 trillion in tax reduction, that evidently the Republican leadership is waiting for the Senate and the House tax action to take increase the minimum wage, hopefully $1.50 over 3 years, with a 60-, 50-, 40-cent increase in 3 steps, in order to help some of the hardest working Americans.

This is a question about human dignity. It is a question of whether we are going to say to Americans working at the lowest end of the economic ladder that the work they do is important. What is the work they do? Many of them are teachers’ aides. Many of them work in the buildings across this country, cleaning them late at night, away from their families. That is what many of these low-income jobs are all about. People work hard at them. They sacrifice in order to get them in many instances. We want to say to those workers that when we have had the strongest economy in the history of the Nation, people who work hard should not have to live in poverty.

It is interesting to note that over the history of the minimum wage we have increased the minimum wage 17 times. It was only the last time, when we increased it, which was 4 years ago, and evidently this time, that we have seen the minimum wage loaded up with tax goodies, tax benefits. We didn’t do it the previous 17 times. We didn’t do that. But now our Republican friends are looking for a vehicle to carry this load, and they are putting further tax reductions for the wealthy corporations.

We have had consideration of the tax reduction bill. We have all seen that.
We have heard it. We have debated it. That has been done. Hopefully, that will be it. Hopefully, we are not going to have another backdoor tax reduction here and effectively do it on the backs of our needy workers. I certainly hope not. I understand we might have to make some adjustments on this.

The last time we had an increase, it was in the $18 to $20 billion range. I found that offensive but nonetheless supposed. The last year our Republican leadership was talking about over $100 billion. I would certainly do everything I could to resist that kind of action here.

Let me review briefly what is happening with the minimum wage at the present time. This says: Working hard but losing ground, the declining real value of the minimum wage. If we look at what has happened, in 1992, we have an increase in the minimum wage. Again, I helpful to set the minimum wage up to a purchasing power of $6.14, and we are still not even close to what it was from 1968, 1976, up to really, 1980. We are not even close to that.

We are talking about the neediest of the needy. Look at this. If we look at what has happened to the minimum wage, we have historically tried to have minimum wage which is going to be half the average hourly earnings. That has been the basic kind of reference point. Look at what has happened in recent years, how the average hourly earnings have been going up but the purchasing power of the minimum wage for workers, is falling further and further behind.

This is another chart. This reflects: The minimum wage no longer supports a family above the poverty line. This is the real value of poverty guidelines. If you look at what the poverty line is, for a family of three at $15,000, if you look at where the minimum wage is, you will see that it is falling further and further behind the poverty line. The fact is, the poor today continue to be poor and are poorer than at any time in the last 40 years.

This is our proposal we will be looking at, a minimum wage increase. We will have the 60 cents in 2002, 50 cents in 2003, 40 cents in 2004, 30 cents in 2005. This represents the percent of our proposed increase in the minimum wage in relationship to past increases. This is relatively small. We are talking about a 12 percent increase.

This is in the mainstream of increases. A 60-cent increase is right in the mainstream; 50 cents is a little below the mainstream, and the final 40 cent increase is down even further.

This is what we are going to have before us. I reiterate: This is basically an issue that affects women because the great majority of minimum-wage workers are women—the great majority of workers are women. This is a social justice issue, and it affects the majority of the women who have children.

And so it is their relationship, how the minimum wage worker is going to be able to provide for the children in their care, and that is what happened, of course, is that by and large the mothers have more than one minimum wage job; they have two, or even three jobs, in order to provide for their families. Here is the report last week that the women are working longer and more time with their parents. While that may be true, I don’t know where they find the time and can only imagine at what price. Low-wage workers are working 416 more hours a year than before.

In 1996, families, on average, had 22 hours a week less to spend with their children then they did in 1969, because their parents are working longer hours and, in some cases, working two, sometimes even three jobs.

So it is a women’s issue. It is a children’s issue. It is a civil rights issue because many of the men and women who earn the minimum wage are men and women of color. And, most of all, it is a fairness issue, that here with the strength of our economy, we ought to be able to say that in the United States of America, if you work hard, play by the rules, try to have a minimum wage that is going to allow you to not have to live in poverty.

Finally, I point out that the Senate of the United States was quite willing to increase its own salary last year by $3,800. We were glad to do that, but we are talking about the minimum wage. So it is a minimum wage hostage, unless they get billions and billions and billions and billions more in tax breaks for the wealthiest individuals. And the ink is not really dry on the most dramatic tax reduction that we have had in recent times, Mr. President, at the expense of other vital priorities. It just doesn’t work.

Maybe the Republican leadership is going to try to muscle that through, but they are going to take some time on this and they are going to have some other votes on it. We are not the American people are—who is on the side of those working families and who is on the side of trying to make sure that we are not going to have a giveaway in terms of these taxes. That would be absolutely wrong.

Sooner or later, it is going to come down to which party represents you and stands by you. Well, you are going to find out; you can tell where those who are supporting us are going to be. They will know who stands by them. It is going to be the Republican leadership because they are going to try to add $100 billion more in tax goodies for them. But the workers of America are going to know who stands by them as well by the end of this debate.

I yield the floor.

Mr. WOLLSTONE. Mr. President, first of all, let me thank Senator KENNEDY for his very strong words about the minimum wage. I want him to count me in as a very strong supporter as we bring this legislation to the floor of the Senate. I think the Senator from Massachusetts, in his own characteristically strong and proud way, has made it very clear what is at stake with this minimum wage legislation. I thank him for his remarks.

I will use this opportunity to reinforce some of the comments made by my friend, the Senator from Massachusetts.

It is pretty amazing to see a front page story in the Washington Post,
May 14, 2001

TRIBUTE TO CRAIG M. SOMERS

Mr. LOTT. Mr. President, I rise today to pay tribute to the outstanding accomplishments of Craig Somers throughout his 32-year career with the U.S. Senate. I, along with my colleagues, congratulate Craig on his retirement from the Sergeant At Arms Office.

Craig’s Senate career began in August of 1962, as a part-time employee and Senate page. In 1969, he became employed full-time with the Printing, Graphics & Direct Mail Department, then know as the Service Department, where he acquired many varied skills, including his initial position as an Addressograph Operator. Craig worked his way up to his current position as the Night Supervisor of the Litho Graphics Department.

All of us in the Senate thank Craig for his tireless efforts with our printing and mail processing operations and for helping to keep our direct mail system humming. His work has helped us keep in touch with those we represent.

Craig, we congratulate you and wish you well in your retirement.

CONGRESSIONAL RECORD — SENATE
NOMINATION OF OTTO REICH

Mr. KENNEDY. Mr. President, on April 29, the Los Angeles Times printed a thoughtful op-ed article by former Costa Rican President Oscar Arias that raises troubling questions about President Bush’s nominee to serve as Assistant Secretary of State for Western Hemisphere Affairs, Otto Reich.

President Arias discusses the important role played by the Assistant Secretary, and questions Otto Reich’s suitability for this position, in light of his record as head of the State Department’s Office of Public Diplomacy until 1986. In that capacity, he provided support to President Reagan’s policies toward Central America, his involvement in lifting the ban on the sale of advanced weapons to Latin America, and his views on U.S. policy toward Cuba.

I urge my colleagues to read the article. The significant concerns raised by this distinguished Nobel Peace Prize recipient must be carefully considered.

I ask unanimous consent that the article by President Arias be printed in the RECORD.

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

FROM THE LOS ANGELES TIMES, APRIL 29, 2001

A NOMINEE WHO STANDS FOR WAR

(By Oscar Arias)

Given the importance of the role of the U.S. assistant secretary of State for Western Hemisphere Affairs, many of us in Latin America are surprised and disappointed by George W. Bush’s nomination of Otto J. Reich for this post. Reich headed the Office of Public Diplomacy, which was closed down by Congress in the wake of the Iran-Contra scandal because it had, to quote official investigations, “engaged in prohibited covert propaganda activities designed to influence the media and the public.”

More than almost any other U.S. diplomat, the person in this post will have the power to shape the relationship between the United States and Latin America for better or worse. Virtually everything that the U.S. needs to do with Latin America, from establishing democracy to dealing with drug policy and immigration, will require a bipartisan approach. Appointing someone of Reich’s ideological stripe and experience would be a real setback in hemispheric cooperation.

I offer my experience as president of Costa Rica as testament to the importance of compromise on hard-line policies. With my region torn by civil wars in Nicaragua, El Salvador and Guatemala, I proposed a peace plan that was supported by the people of both countries. I asked the United States and Latin America to consider my plan and the United States backed off its demand on aid for war and let the Central American leaders give diplomacy a chance. It was Bush the elder and his foreign-policy staff, including Secretary James A. Baker and Bernie Aronson, then-assistant secretary of State for inter-American affairs, who changed U.S. policy from one of undermining our efforts to supporting them, and thus contributed greatly to a peaceful solution to the Central American conflicts.

I am afraid that Reich will cling more closely to the Reagan model than that of the former Bush administration. There is plenty of evidence to suggest that this will be so. His involvement in Public Diplomacy until 1986 demonstrated his allegiance to the Reagan administration’s hawkish policies toward Central America. The purpose of his office was none other than to get the American people to side with war over peace, using propaganda methods determined to be “improper.”

Reich’s support of militarism did not end with the wars in Central America. According to news reports, he has made his living in recent years as a lobbyist and consultant representing Lockheed Martin. I believe many American farmers and businessmen are aware that U.S. economic warfare against Cuba harms broader U.S. interests, while at the same time injuring the people, but not the government, of Cuba.

To those who think it unbecoming for a foreigner to comment on the appointment of a U.S. official, I would say that although the assistant secretary of State for Western Hemisphere affairs will make little difference in the policies of the United States, he could have a profound effect on the lives of Latin Americans.

There is so much work to be done in our part of the world over the next four years, and enough inherent problems and strains in the relationship between the United States and Latin America, that we will be assuring ourselves of getting nowhere if we give in to hawks or to the little that is going to duck and weave on supporting such a plan.

I desire our interdiction efforts to be integrated and balanced, both interagency and internationally, as well as between the source zone, transit zone, and arrival zones. We need balance, within the transit zone, between the Caribbean and the Eastern Pacific, as well as balance with in the eastern, central, and western portions of the Caribbean basin itself. We need adequate intelligence community and DOD support for both the source zone and the transit zone. We need to be balanced between our air and maritime interdiction efforts. We need to be equally dynamic and risk adverse as the smuggling organizations are, when route and conveyance shifts are detected. Our counterdrug forces on patrol should also be aware of the terrorism threats that are increasing focused against our country.

The Senate Drug Caucus is planning an upcoming hearing on the Transit zone on May 15, 2001 to discuss the broader questions of “What is our transit zone strategy?” and “Do we have a balanced approach in the transit zone?” I hope for a discussion on the current threat, agency capabilities, current shortcomings, the relationship with the source zone and Plan Colombia, the Department of Defense, threat, any needed improvements, interagency and international relationships, and DOD and intelligence community support to our transit zone operations. I am especially concerned about reports of aging aircraft and vessels in the both the Customs Service and Coast Guard fleet inventories. I am also particular interested in the countries of Haiti, Jamaica, Cuba, Venezuela, Mexico, and the Bahamas, as well as the Common-wealth of Puerto Rico. Success in the transit zone is key to winning the drug war for both the United States as well as the many countries throughout the Caribbean, who are so dependent on trade and

TRANSLATION STRATEGY

Mr. GRASSLEY. Mr. President, as Chairman of the Senate Caucus on International Narcotics Control, I want to draw attention to our interdiction efforts throughout the Caribbean and Eastern Pacific region, commonly referred to as the “transit zone.”

Although Plan Colombia is our primary counterdrug operation in Colombia and the emphasis in the Andean region, commonly called the “source zone”, continued interdiction efforts in the transit zone are an important part of our overall “defense-in-depth” plan. I have noted for some time, however, that our defense in depth seems more like a defense in one zone. I am not confident that the United States has a well-thought out, overarching national drug control strategy, involving all components of both supply and demand reduction, including interdiction, fumigation, alternate development, trade incentives, interdiction, prevention, treatment, and education. I am very pleased the President is ready to appoint the new Director of the Office of National Drug Control Policy, ONDCP, to assist with reviewing our plans, programs, and strategy. But I am concerned that we lack coherent thinking on our interdiction efforts. I am concerned about rumblings from the Department of Defense, threat, that it is going to duck and leave on supporting such a plan.

The Senate Drug Caucus is planning an upcoming hearing on the Transit zone on May 15, 2001 to discuss the broader questions of “What is our transit zone strategy?” and “Do we have a balanced approach in the transit zone?” I hope for a discussion on the current threat, agency capabilities, current shortcomings, the relationship with the source zone and Plan Colombia, the Department of Defense, threat, any needed improvements, interagency and international relationships, and DOD and intelligence community support to our transit zone operations. I am especially concerned about reports of aging aircraft and vessels in the both the Customs Service and Coast Guard fleet inventories. I am also particular interested in the countries of Haiti, Jamaica, Cuba, Venezuela, Mexico, and the Bahamas, as well as the Common-wealth of Puerto Rico. Success in the transit zone is key to winning the drug war for both the United States as well as the many countries throughout the Caribbean, who are so dependent on trade and
tourism, and who struggle to avoid the dark influences of the narcotics threat. I want to be sure we are doing our transit zone missions effectively and competently. I appreciate the difficult task of foreign investigations and interdiction and the daily efforts of the Customs Service, Coast Guard, Drug Enforcement Administration, Department of Defense, Department of State, and our international allies. The mission is an important one and deserves our serious attention and sustained effort.

WTO APPELLATE BODY DECISION

Mr. BAUCUS. Mr. President, two weeks ago, the World Trade Organization's Appellate Body issued a decision affirming a Dispute Settlement Panel opinion from last December that ruled that the United States' imposition in July 1999 of restrictions on imports of lamb meat under Section 201 of the Trade Act of 1974 was inconsistent with our obligations under the WTO's Agreement on Safeguards. The December Panel decision was so obviously wrong in virtually every respect that one would have expected the Appellate Body to reverse the panel and recognize the U.S. International Trade Commission's decision for the well-reasoned and balanced determination that it was. Instead, the Appellate Body has once again taken it upon itself to substitute its judgment for the ITC's. This is a continuation of a troubling trend, in which WTO dispute settlement panels and the Appellate Body fail to give adequate deference to expert administrative bodies that have carefully reviewed the facts. This kind of decision robs eroding U.S. support for the WTO's dispute settlement procedures.

While there is a lot not to like in the Appellate Body's decision, I am particularly concerned by the Appellate Body's conclusion that the ITC erred in concluding that lamb farmers, ranchers, and commercial feeders are properly part of the domestic industry for purposes of determining injury and threat of injury. The Appellate Body concluded that growers and feeders produce a product—live lambs—that cannot strictly be considered "like" lamb meat within the meaning of the WTO Safeguards Agreement, and by implication, under Section 201 of the Trade Act of 1974. According to the Appellate Body, only packers and processors produce a "like" product. Had this been an antidumping or countervailing duty decision, such a conclusion would have precluded lamb growers and feeders from petitioning for relief along with packers and processors—a notion that I find intolerable. Fortunately, Section 201 and the Safeguards Agreement give standing to producers of both "like" and "directly competitive" products, and the Appellate Body's decision appears to open the possibility that lamb growers and feeders could properly be counted as part of the domestic industry on the grounds that live lambs are "directly competitive with," as opposed to "like," lamb meat.

The WTO will lose all credibility if growers of agricultural products are disqualified from petitioning for relief where their products create oversupplies and cause domestic price levels to plummet. Thousands of families in my home state have a long history of sheep ranching. Sheep ranchers and farmers are the very heart of the U.S. industry. In producing lamb meat, and the WTO needs to recognize such basic economic realities.

Predictably, the government of Australia and New Zealand, which brought the WTO appeal, have already called for the United States to immediately terminate the U.S. import relief program in response to the Appellate Body's decision. As bad as the Appellate Body's decision is, I believe that it is clear that it does not require termination of the United States' import relief program. I urge President Clinton to reject the Appellate Body's decision. If that advice is affirmative, I hope and expect that Ambassador Zoellick will take the further prescribed step of asking the ITC to provide him with an advisory report on whether it believes that its original decision can be brought into compliance with the Appellate Body's decision. If that advice is affirmative, I hope and expect that Ambassador Zoellick should promptly request the ITC to reverse the panel and recognize its judgment for the ITC's. This is a continuation of a troubling trend, in which WTO dispute settlement panels and the Appellate Body fail to give adequate deference to expert administrative bodies that have carefully reviewed the facts. This kind of decision robs eroding U.S. support for the WTO's dispute settlement procedures.

THE SMALL BUSINESS LIABILITY REFORM ACT

Mr. MCCONNELL. Mr. President, last Thursday, Senator Lieberman and I introduced S. 865, the "Small Business Liability Reform Act," which aims to restore common sense to the way our civil litigation system treats small businesses. In our legal system, small businesses, which form the backbone of America's economy, are often forced to defend themselves in court for actions that they did not commit and to pay damages to remedy harms they did not cause. This puts small businesses at a significant disadvantage if they find themselves faced with extraordinary high punitive damages awards. These unfortunate realities threaten the very existence of many small businesses, and when American small businesses go under, our economy is harmed as new products are not developed, produced, or sold, and employers cannot retain employees or hire new ones.

Small businesses, those with 25 or fewer full-time employees, employ almost 60 percent of the American workforce. Because the majority of small business owners earn less than $50,000 a year, they often lack the resources to fight unfair lawsuits which could put them out of business. When faced with such a lawsuit, many of these entrepreneurs must either risk a lengthy and expensive battle in court, in which they may be subjected to large damage awards, or settle the dispute out of court for a significant amount even though they did not cause the harm in the first place. Either way, our current system jeopardizes the livelihood and futures of small business owners and their employees.

The Small Business Liability Reform Act remedies these ills with three common-sense solutions, all of which protect our nation's entrepreneurs from unfair lawsuits and excessive damage awards. First, it prohibits punitive damages against small business only upon clear and convincing evidence, rather than upon a simple preponderance of evidence, and would set reasonable limits, three times the total of all damages, or $250,000, whatever is less, on the amount of punitive damages that can be awarded.

Second, our bill would restore basic fairness to the law by eliminating joint and several liability for small businesses for non-economic damages, such as pain and suffering, so a small defendant is not forced to pay for harm he did not cause. Under the current joint and several liability, small businesses, when found liable with other defendants, may be forced to shoulder a disproportionate amount of the damages if they are found to have "deep pockets" relative to the other responsible parties. For example, a small business who was found responsible for only 10 percent of the harm may have to pay half, two-thirds, or even all of the damages if his co-defendants cannot pay. Again, without altering a small business's joint and several liability for economic damages, such as medical expenses, the Small Business Liability Reform Act provides that small businesses are responsible only for the portion of the non-economic damages they caused. Thus, the bill partially relieves a situation where a small business is left holding the bag with respect to injuries it did not inflict.

Third and finally, our bill addresses some of the iniquities facing non-manufacturing product sellers. Currently, a person who had nothing to do with a defective and harmful product other than selling it can be sued along with the manufacturer. Under the reforms in the Small Business Liability Reform Act, a product seller can only be held
liable for harms caused by his own negligence, intentional wrongdoing, or breach of his own warranty. This bill provides much needed protection and relief to both small business owners and consumers. By making our legal system reasonable and fair to small business owners, we will remove one of the greatest barriers to the market, the threat of crippling, excessive lawsuits, that prevent entrepreneurs from starting a small business. That means increased competition, better products, and more jobs at a time when the health of America’s economy and job market appear uncertain. And by injecting common sense into these laws, we will remove the excessive litigation costs that drive up the cost of goods and services for all Americans.

The Small Business Liability Reform Act is a win for America’s entrepreneurs, consumers, and workers, and it is my hope that the Senate will enact this bi-partisan bill. Finally, I would ask unanimous support in support of this bill from the National Federation of Independent Business and the Small Business Legal Reform Coalition to be placed in the RECORD.

S.4885

SMALL BUSINESS
LEGAL REFORM COALITION


Hon. Mitch McConnell,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the Small Business Legal Reform Coalition, we are writing to draw your sponsorship of the Small Business Liability Reform Act of 2001 and express our strong support for its passage. We commend you for your efforts to restore common sense to our civil justice system—one that takes a particularly heavy toll on the smallest of America’s businesses.

The frequency and high cost of litigation is a matter of growing concern to small businesses across the country. Today’s civil justice system presents a significant disincentive to business start-ups and continued operation. Business owners may have to choose between a long and costly trial or an expensive settlement. Business owners across the nation risk losing their livelihood and their future every time they are confronted with an unnecessary lawsuit.

This legislation would make two reforms that have topped the small business community’s agenda for years: cap punitive damages and abolish joint liability for non-economic damages for those with fewer than 25 employees. These reforms have been among the recommendations of the White House Conference on Small Business since the early 1980s—and the time has come to put the small businesses out of their misery from excessive damage awards and frivolous suits.

This bill would also hold non-manufacturing product sellers liable in product liability cases when their own wrongful conduct is responsible for the harm and thus reduce the exposure of innocent product sellers, lessors and repairers to lawsuits when they are simply present in a product’s chain of distribution or solely due to product ownership. Should the manufacturer be judgment-proof the product seller would be responsible for any damage award, ensuring that deserving claimants recover fully for their injuries.

In the end, we believe that enactment of the Small Business Liability Reform Act will inject more fairness into the legal system and reduce unnecessary litigation and legal costs. We also believe that it protects the rights of those with legitimate claims. We thank you again for your support of these common sense reforms and look forward to working with you to ensure the success of this important legislation.


Hon. Mitch McConnell,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I would like to thank you for sponsoring the Small Business Liability Reform Act of 2001 and express our strong support for its passage. I commend you for your efforts to restore common sense to our civil justice system—one that takes a particularly heavy toll on the smallest of America’s businesses.

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Sincerely, DANNY DANNER, Senior Vice President, Federal Public Policy.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak in support of the hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to detail a heinous crime that occurred November 6, 1998 in Seattle, Washington. A gay man was severely beaten with rocks and broken bottles in his neighborhood by a gang of youths shouting ‘‘faggot.’’ The victim sustained a broken nose and swollen jaw. When he reported the incident to police two days later, the officer refused to take the report.

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."

CONFIRMATION OF LARRY D. THOMPSON

Mr. MILLER. Mr. President, I am so pleased that the Senate Judiciary Committee has voted unanimously to confirm Larry D. Thompson to be Deputy Attorney General and that the full Senate also has given its unanimous approval to this excellent nominee.

I was honored to be able to present Mr. Thompson to the Senate Judiciary Committee, and I congratulate my longtime friend and fellow Georgian on his confirmation.

I cannot say it more clearly than this: President Bush could not have made a better choice in nominating Larry Thompson as Deputy Attorney General of the United States.

I have had the pleasure to know Larry Thompson for several years. He is the consummate professional: quiet
yet strong, a legal scholar who exercises enormous common sense, a man who will put principle ahead of politics every time. He is a man of great substance and little ego. He is not one to grandstand or grab headlines.

Mr. Thompson brings to the Department of Justice a solid record of experience. He has built a reputation as a tough prosecutor, an adept litigator, a respected scholar and a skilled manager.

More importantly than that, Mr. Thompson comes with no agenda. He will base every decision on what is right, not what is popular or politically expedient. He will bring to the Justice Department the same wisdom, the same thoughtfulness, and the same steady demeanor upon which he has built his stellar career.

In short, Larry Thompson is a man of impeccable credentials who will serve the Department of Justice and this nation very well.

NATIONAL POLICE WEEK

Mrs. CARNAHAN. Mr. President, I am proud to take this opportunity to recognize National Police Week 2001 and the immeasurable contributions of our nation’s law enforcement officers. In both urban and rural communities, these men and women touch the lives of all those around them. Today, I urge all Americans to join together in commemorating the tremendous service and sacrifice of our nation’s law enforcement officers.

We have made great strides since the 1970s, when we lost approximately 220 officers every year through the decade. That figure decreased dramatically in the 1990s to 155 fallen officers each year. Yet, each one of these lives is one too many. And it is with great sorrow that I note that Missouri leads the nation in losing nine law enforcement officers in the past eleven months. We must strive to find measures that will better protect our law enforcement officers. I will join my fellow Senators and to their community, to their State, and to their Nation. We owe these officers every day for what they sacrificed and their dedication.

TRIBUTE TO JOHN WINTERHOLLER

Mr. BURNS. Mr. President, although little noticed, a native son of Montana passed away at his home in Lafayette, CA.

John Winterholler, a three-sport Hall of Famer at the University of Wyoming was a survivor of the Bataan death march.

Winterholler was among the inaugural class inducted into the University of Wyoming Athletics Hall of Fame in 1993. He lettered in baseball, basketball, and football from 1936-1939.

Upon graduation in 1940, he accepted a commission in the United States Marine Corps rather than play professional baseball.

Winterholler served with the 4th Marine Regiment on Bataan and Corregidor in the Philippines and suffered brutal treatment as a Japanese prisoner during World War II.

During captivity, he experienced severe weight loss and was paralyzed from the waist down and near death from malnutrition. He was confined to a wheelchair for the rest of his life. He was a former president of both the Chester Rotary Club, a trustee of the Connecticut Historical Society and the Chester Rotarian Foundation in Middletown.

In memory of Edmund Delaney

Mr. DODD. Mr. President, I rise today to pay tribute to the late Edmund T. Delaney, an accomplished lawyer, lecturer, historian and author, and a man that I felt privileged to consider a friend.

Ed Delaney graduated from Princeton University in 1933 and Harvard Law School in 1936. He was a gifted attorney who practiced law for over 40 years in Rockfall and Middletown. He was a partner in the New London and Essex firm of Copp, Keleatsky and Berall. Ed was a member of the Association of the Bar of the City of New York where he served as Chairman of the Committees on Corporate Law, Law and Medicine, and Art. During his career, he specialized in investment company law, serving for 39 years as a director of the Oppenheimer Funds.

Ed Delaney was also extremely active in civic and community affairs throughout his professional life, making numerous contributions to his community and to the State of Connecticut. He dedicated himself to protecting the region’s rich cultural history and natural beauty. The preservation of the Connecticut River and the Connecticut River Valley was just one of the causes that he championed through his extensive writings. Ed was a former president of the historical societies of Deep River, Essex, and Lyme, of the Antiques and Landmarks Society, and of the National and Connecticut Preservation Trusts and Nature Conservancies. He was also involved in Chester town affairs as a chairman of the Conservation Commission as a member of the town retirement board, and as a Justice of the Peace. In addition, he also served on the Middletown Revitalization Commission. His concern to future generations and to the state of Connecticut were truly remarkable.

Long interested in historic preservation and conservation, he was a member of the Board of Regents of the historical societies of Deep River, Essex, and Lyme, of the Antiques and Landmarks Society, and of the National and Connecticut Preservation Trusts and Nature Conservancies. He was also involved in Chester town affairs as a chairman of the Conservation Commission as a member of the town retirement board, and as a Justice of the Peace. In addition, he also served on the Middletown Revitalization Commission. His concern to future generations and to the state of Connecticut were truly remarkable.

LONG before he demonstrated his prodigious appetite for community and civic engagement, Ed Delaney amassed a reputation for serious service. After serving in the Squadron A Cavalry of the New York National Guard, he went on active duty in the field artillery in 1940, graduating from the Field Artillery School at Fort Sill, OK, and serving as a 2nd lieutenant in the 105th Field Artillery. In 1941, he was transferred to the Military Intelligence Service as part of the general
A remembrance of General William Christman by Senator Allen...

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staff in Washington, where he became a lieutenant colonel and chief on the Western European Branch and French Specialist in the War Department. He accompanied the Assistant Secretary of War, John J. MacEloy, on a special mission to North Africa in 1940. In 1945, he became Acting Counsel to the Army-Navy Liquidation Commission in Paris. He received three War department citations, the Army Commendation Ribbon, and the French Medaille de la Reconnaissance Francaise.

Edmund Delaney was a remarkable man in a great many respects. He was a distinguished member of the armed services, a successful attorney, and an energetic leader in a variety of organizations devoted to advancing the public good. He brought to all of his endeavors an unusual depth of insight, compassion and understanding. He was dedicated to his family, his friends, his community, and not least, his country. He was a fine and patriotic man. And he was the kind of man whom I respected and whose ideas I admired.

My heartfelt sympathies go out to his wife Barbara, to his children and grandchildren, and to his other surviving family members. He will be missed greatly by them, and many others. But there is some comfort in knowing that his good deeds have made a lasting impact on the lives of those he left behind.

TRIBUTE TO CRAIG BENSON

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Craig Benson of Rye, NH, for being honored as a significant contributor to New Hampshire’s growth and development.

Craig co-founded Cabletron Systems, Inc. in 1983, expanding the computer networking company into a $1.5 billion corporation employing more than 6,000 people in 110 offices throughout the world. He was the recipient of the “National Entrepreneur of the Year” award by Inc. Magazine in 1991, and was included among the 10 most powerful people in New Hampshire in the 1990’s by Business NH Magazine.

Craig Benson has been a good neighbor to the citizens of New Hampshire, gifting a $100 million grant of networking equipment to inner city and disadvantaged colleges and universities. He also serves on numerous boards and on the Board of Trustees at Babson College.

Craig Benson has served the people of the Granite State with dedication and generosity. His contributions to the economic and charitable communities of our state have been exemplary and I commend him for his efforts. It is an honor and a privilege to serve him in the U.S. Senate.

100TH ANNIVERSARY OF ALLENHURST FIRE DEPARTMENT

• Mr. CORZINE. Mr. President, the ninth of June marks an historic and important occasion for the Allenhurst Fire Department, its 100th anniversary. For the past century, a commendable number of dedicated volunteer firefighters have risked their lives and sacrificed their spare time to protect the lives and property of the people of our state. It gives me great pleasure that I bring these individuals from the great State of New Jersey to your attention.

Volunteer firefighters are the great unsung heroes of everyday life and we often take their diligent efforts for granted. When the fire alarm sounds, these devoted individuals put their lives on hold and respond, whether it be a call for assistance or a full-fledged fire, they are on the scene and prepared. Let us not forget that firefighters routinely put themselves in harm’s way to protect us. This dedication to their community is worthy of only the highest praise.

At a time in our Nation when things are in the course of change, it is truly refreshing to honor a selfless and noble enterprise that has endured for an entire century. It is appropriate to applaud both the longevity of the Allenhurst Fire Department and the charitable acts of courage that have fueled it. I am proud to wish them a very happy 100th anniversary and continued success for many more years to come.

LIEUTENANT GENERAL DANIEL WILLIAM CHRISTMAN

• Mr. SANTORUM. Mr. President, I rise today to recognize the outstanding national service of Lieutenant General Daniel William Christman. On June 30, 2001, General Christman will retire upon completion of a highly successful five-year assignment as the 55th Superintendent of the United States Military Academy in West Point, New York. The Military Academy that General Christman leaves this June is noticeably improved due to his commitment and leadership. As he moves forward in his future endeavors, I wish General Christman and his family continued success and happiness in all his future endeavors.

Prior to becoming the Commanding General and the Superintendent of the United States Military Academy, General Christman served as Assistant to the Chairman of the Joint Chiefs of Staff (JCS) where he supported Secretary of State Warren Christopher as Washington, D.C. Representative of the Peace Negotiating Team and in arms control negotiations with the Russian Federation. In addition, he has served as Director of Strategy, Plans and Policy in Department of Army Headquarters, Washington, D.C. His 10th assignment focused on negotiations relating to the Conventional Forces in Europe, CFE, arms control talks between NATO and the Warsaw Pact. In the course of supporting these negotiations, he was on the staff of the Army and the Chairman, JCS, General Christman briefed President George H.W. Bush and traveled to Europe to brief allied heads of state and the NATO Secretary General.

During his distinguished career, General Christman’s illustrious service to this country can be exemplified by the honor and decorations he has received, from the Defense Distinguished Service Medal (two awards), Distinguished Service Medal, two awards, Defense Superior Service Medal, Legion of Merit, two awards, Bronze Star Medal, two awards, Meritorious Service Medal, two awards and the Air Medal, three awards.

General Daniel William Christman has exemplified the impeccable integrity, honor, and character that the American people have come to expect from the professional Army. As a member of the U.S. Military Academy Board of Visitors, I have valued and appreciated General Christman’s insight, leadership and commitment to our United States Army. General Christman’s service to this nation demonstrates the highest standards and proud traditions of the United States military.

As he moves forward in his life, I wish General Christman and his family continued success and happiness in all his future endeavors.

IN MEMORY OF ANTOINETTE F. DOWNING

• Mr. REED. Mr. President, I rise today to pay tribute to Mrs. Antoinette F. Downing.

Mrs. Downing, acclaimed architectural historian and founding member of the Providence Preservation Society, passed away on Wednesday morning, May 9, 2001 at the age of 96.

During her extraordinary lifetime, Antoinette believed in the intrinsic value of historic buildings, a revolutionary idea that changed Providence and Rhode Island. Mrs. Downing began her distinguished career as a scholar, researching and recording the State’s historic structures. In 1930, her book Early Homes of Rhode Island was published, and remains the standard reference on 17th, 18th, and early 19th century building in the State. During the...
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-1787. A communication from the Acting Deputy Administrator, the Investment Program Division of the Small Business Administration, transmitting, pursuant to law, the report of a rule entitled “New Markets Venture Capital Act of 1954 (Small Business Investment Company Act of 1954)” received on May 9, 2001; to the Committee on Small Business.

EC-1788. A communication from the Director of the Office of Management and Budget, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Disease Associated With Exposure to Certain Herbicide Agents: Type 2 Diabetes” (RIN2900–AK83) received on May 9, 2001; to the Committee on Veterans’ Affairs.

EC-1789. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed by the Senate for Administrator, Agency for International Development; to the Committee on Foreign Relations.

EC-1790. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning Cuba; to the Committee on Foreign Relations.

EC-1791. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Surface Water and Drinking Water Programs” (RIN2040–AC60) received on May 9, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1792. 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 “Modification of Rev. Proc. 2001–30” (Rev. Proc. 2001–30) received on May 9, 2001; to the Committee on Finance.

EC-1793. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to Section 1886(e)(3) of the Social Security Act, a report of the initial estimate of the applicable percentage increase in hospital inpatient payment rates for Fiscal Year 2002; to the Committee on Finance.

EC-1794. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the evaluation of Medicare’s competitive bidding demonstration for durable medical equipment, supplies, and services; to the Committee on Finance.

EC-1795. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting the report of the Office of Inspector General for the period October 1, 1999 to September 30, 2000; to the Committee on Governmental Affairs.

EC-1796. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report entitled “Health Care Privatization Emergency Amendment Act of 2001” (on an emergency basis); to the Committee on Governmental Affairs.

EC-1797. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report entitled “Health Care Privatization Emergency Amendment Act of 2001” (on a permanent basis); to the Committee on Governmental Affairs.

EC-1798. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to Fiscal Impact Statement: “Health Care Privatization Emergency Act of 2001” (Revised); to the Committee on Governmental Affairs.

EC-1800. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report of a resolution and order concerning the Public Benefit Corporation; to the Committee on Governmental Affairs.

EC-1801. A communication from the Committee on the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to a resolution and order concerning the transition to a new health care system; to the Committee on Governmental Affairs.

EC-1802. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Regulations—Teacher Quality Enhancement Program” (RIN 3400–AC60) received on May 9, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1803. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Regulations—Minority Science and Engineering Improvement Program” received on May 9, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1804. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Regulations; Interpretation—Gaining Early Awareness for Undergraduate Programs” received on May 9, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1805. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director of the Office for Victims of Crime, Department of Justice; to the Committee on the Judiciary.

EC-1806. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Civil Division, Department of Justice; to the Committee on the Judiciary.

EC-1807. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Criminal Division, Department of Justice; to the Committee on the Judiciary.

EC-1808. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Civil Division, Department of Justice; to the Committee on the Judiciary.

Messages from the President

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)
a nomination for the position of Assistant Attorney General, Civil Rights Division, Department of Justice; to the Committee on the Judiciary.

EC-1821. A communication from the Acting Assistant Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Change in Flood Elevation Determinations” (Doc. No. FEMA–B–7412) received on May 9, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1822. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Change in Flood Elevation Determinations” (Doc. No. FEMA–7759) received on May 9, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1823. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Change in Flood Elevation Determinations” (Doc. No. FEMA–7759) received on May 9, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1824. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report to the backlog of maintenance and repair needs of the Department of Defense facilities and installations; to the Committee on Armed Services.

EC-1825. A communication from the Chief of the Programs and Legislation Division, Office of the Deputy Director, Department of the Air Force, transmitting, pursuant to law, a report relative to Elmendorf Air Force Base in Alaska; to the Committee on Armed Services.

EC-1826. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of Defense (Comptroller); to the Committee on Armed Services.

EC-1827. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Defense (Policy Affairs); to the Committee on Armed Services.

EC-1828. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Defense (Personnel and Readiness); to the Committee on Armed Services.

EC-1829. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Defense (Personnel and Readiness); to the Committee on Armed Services.

EC-1830. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Defense (Policy); to the Committee on Armed Services.

EC-1831. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report regarding the Incidental Take Statement for the 2001 Commercial Shrimping Operations; to the Committee on Commerce, Science, and Transportation.

EC-1832. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report regarding the Incidental Take Statement for the 2001 Commercial Shrimping Operations; to the Committee on Commerce, Science, and Transportation.

EC-1833. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “American Lobster; Interstate Fishery Management Plans; Cancellation of Moratorium” (RIN0648–A088) received on May 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1834. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Black Cod and Pacific Halibut Fishing Using Trawl Gear, Gulf of Alaska” received on May 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1835. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/Other Flatfish” (RIN0648–A089) received on May 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1836. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/Other Flatfish” (RIN0648–A089) received on May 9, 2001; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–50. A joint memorial adopted by the Senate of the Legislature of the State of Washington relative to the conservation reserve enhancement program; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE JOINT MEMORIAL 809

Whereas, The National Marine Fisheries Service and the United States Department of Fish and Wildlife have listed several species of salmonids as either threatened or endangered under the federal Endangered Species Act; and

Whereas, A number of water bodies throughout the state do not currently comply with federally approved water quality standards including temperature, turbidity, and other parameters; and

Whereas, The State of Washington and the United States Department of Agriculture have entered into a memorandum of agreement whereby the Department of Agriculture has established a conservation reserve enhancement program to provide incentives to owners of agricultural land in standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of New Hampshire” (FRL6978–8) received on May 9, 2001; to the Committee on Environment and Public Works.

EC-1831. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion” (FRL6969–2) received on May 9, 2001; to the Committee on Environment and Public Works.

EC-1832. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants; Manufacture of Nutritional Yeast” (FRL6968–5) received on May 9, 2001; to the Committee on Environment and Public Works.

EC-1833. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants; Standards for Hazardous Waste Combustors” (FRL6978–6) received on May 9, 2001; to the Committee on Environment and Public Works.

EC-1834. A communication from the Deputy Assistant Secretary of the Army, Management and Budget, Civil Works, Department of the Army, transmitting, pursuant to law, the report of a rule entitled “United States Marine Corps Restricted Area, New River, North Carolina, and Vicinity” (38 CFR Part 334) received on May 9, 2001; to the Committee on Environment and Public Works.

EC-1835. A communication from the Director of the Office of the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, the report of a rule entitled “Emergency Assistance Act, a report relative to funds exceeding $5 million for the response to the emergency declared in the State of New York; to the Committee on Environment and Public Works.

EC-1836. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period October 1, 2000 to March 31, 2001; ordered to lie on the table.
RESOLUTION
Whereas, the original passage of the federal Individuals with Disabilities Education Act (IDEA) in 1975 established a program of free appropriate public education to better enable students with disabilities to achieve their greatest potential; and
Whereas, IDEA has represented an advance in civil rights for disabled children through equal protection; and
Whereas, IDEA has demonstrated a strong commitment to serving our children with disabilities through provision of special education and related services to over 127,000 students (14.16 percent of public school enrollment); and
Whereas, the original intent of the 94th Congress was to fund IDEA at 90% of the average per pupil expenditures for Part B of IDEA, but funding has never exceeded 13%; and
Whereas, federal law requires school districts to meet federal standards, but Congress has not provided the promised funding necessary to achieve those standards; and
Whereas, and several other states have legal prohibitions on passing unfunded mandates to the local level and therefore must either make up the shortfall or ask local districts to do so and thereby risk litigation; and
Whereas, local districts must then cover the mandated expenses of special education and reduce funding for teachers, textbooks and supplies, building maintenance and repair, as well as meet the counterproductive reporting burdens which severely reduces teacher availability; Now, therefore, be it
Resolved, That the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring, hereby urge that before the 107th Congress considers any other educational legislation initiatives, that IDEA receive prompt and full funding, and the reporting requirements of IDEA be significantly reduced; and be it further
Resolved, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the Speaker of the United States House of Representatives, the Speaker of the United States House of Representatives, to the Secretary of the Interior A. Norton and to each member of the Missouri Congressional Delegation.

REPORTS OF COMMITTEES
The following reports of committees were submitted:
By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments. S. 718. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes (Rept. No. 109-16).

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. McCAIN (for himself, Mr. EDDIE DE WARD, and Mr. KENNEDY): S. 877. A bill to amend the Social Security Act of 1974, and the Internal Revenue Code of 1986 to include infertility benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX (for himself and Mr. ENSIGN):
S. 875. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

By Mr. INOHE (for himself, Mrs. CLINTON, Mr. SMITH of New Hampshire, Mr. REID, Mr. WARNER, Mr. LIBERMAN, and Mr. CHAFFEE):
S. 876. A bill to amend the National Environmental Policy Act to direct the Department of the Interior to review the department's policies regarding the conservation reserves enhancement program and alter those policies to allow the inclusion in the program of lands that are currently used to produce perennial horticultural crops. Be it,
Resolved, That copies of this memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, Ann Veneman, the Secretary of the United States Department of Agriculture, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM—52. A joint resolution adopted by the House of the Legislature of the State of Missouri relative to the Individuals with Disabilities Act; to the Committee on Appropriations.

CONGRESSIONAL RECORD — SENATE
May 14, 2001

Washington State to restore and enhance conditions in riparian areas by planting trees and shrubs for the benefit of fishery habitat and water quality; and
Whereas, labor reserve enhancement program is available for a number of categories of agricultural lands but is not available to lands that produce perennial horticultural crops.
Now, therefore, Your Memorialsists respectfully pray that the Secretary of the Department of Agriculture review the department's policies regarding the conservation reserves enhancement program and alter those policies to allow the inclusion in the program of lands that are currently used to produce perennial horticultural crops. Be it
Resolved, That copies of this memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, Ann Veneman, the Secretary of the United States Department of Agriculture, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM—51. A resolution adopted by the House of the Legislature of the State of Missouri relative to the Individuals with Disabilities Act; to the Committee on Appropriations.

CONGRESSIONAL RECORD — SENATE
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Whereas, Missouri and several other states have submitted: S. Res. 88. A resolution expressing the sense of the Senate on the importance of membership of the United States on the United Nations Human Rights Commission; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS
S. 41. At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. SMITH, of Oregon) 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. 88. At the request of Mr. ROCKEFELLER, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 104. At the request of Ms. SNOWE, the names of the Senator from Montana.
The Senator from Delaware (Mr. CARPER), and the Senator from California (Mrs. FEINSTEIN) were added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

At the request of Mr. THURMOND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

At the request of Mr. BINGMAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military service technicians.

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 166, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 238, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicare program for such children, and for other purposes.

At the request of Mr. REED, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 327, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

At the request of Mr. MURKOWSKI, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. NELSON, of Nebraska) were 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.

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 484, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

At the request of Mr. LEAHY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as a cosponsors of S. 497, a bill to express the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States should end its use of such mines and join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible to expand support for mine action programs including mine victim assistance, and for other purposes.

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Rhode Island (Mr. CHAFFEE) were added as a cosponsors 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.

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Rhode Island (Mr. CHAFFEE) were added as a cosponsors of S. 681, a bill to help ensure general aviation aircraft access to Federal land and the airspace over that land.

At the request of Mr. GRAHAM, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New York (Mrs. CLINTON) were added as a cosponsors of S. 687, 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. HUTCHINSON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

At the request of Mr. FITZGERALD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 749, a bill to provide that no Federal income tax shall be imposed on amounts received by victims of the Nazi regime or their heirs or estates, and for other purposes.

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 758, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the wetlands reserve program through 2005, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. KENNEDY) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.
(Mr. Jeffords) was added as a cosponsor of S. 894, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles in up to a 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 894

At the request of Mr. Lieberman, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. 828, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property.

S. 828

At the request of Ms. Snowe, the names of the Senator from Massachusetts (Mr. Kerry) and the Senator from New Jersey (Mr. Corzine) were added as cosponsors of S. 833, a bill to amend the Internal Revenue Code of 1986 to expand the child tax credit.

S. 833

At the request of Mrs. Hutchison, the names of Senatorates from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payment for hospitals for indirect costs of medical education.

S. J. RES. 7

At the request of Mr. Hatch, the name of the Senator from Louisiana (Mr. Breaux) was added as a cosponsor of S. J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. J. RES. 16

At the request of Mr. Thurmond, the names of the Senator from Arizona (Mr. McCain), the Senator from Texas (Mr. Graham), the Senator from Maine (Ms. Collins) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as “National Airborne Day.”

S. RES. 63

At the request of Mr. Campbell, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENT NO. 376

At the request of Mr. DeWine, his name was added as a cosponsor of amendment No. 376.

AMENDMENT NO. 376

At the request of Mr. Cleland, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of amendment No. 376, supra.

AMENDMENT NO. 600

At the request of Mr. Sessions, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of amendment No. 600.

AMENDMENT NO. 600

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Helms (for himself, Mr. Thurmond, Mr. Hutchinson, and Mr. Smith of New Hampshire):

S. 873. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. Helms. Mr. President, I am honored to join my distinguished colleagues, the Senator from South Carolina, Mr. Thurmond, the Senator from New Hampshire, Mr. Smith, and the Senator from Arkansas, Mr. Hutchinson, in introducing legislation to protect workers from having to pay dues to labor organizations, or to keep their jobs. This bill, briefly titled the National Right to Work Act, repeals Federal labor laws allowing union bosses to coerce dues from workers who want to go to work, earn honest paychecks and support their families without being forced to support a labor organization.

The legislation we are introducing today proposes to put an end to more than half a century of Federal labor policy that directly contradicts Thomas Jefferson’s famous statement that “to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical.”

Specifically, the National Right to Work Act proposes the repeal of those sections of the National Labor Relations Act, NLRA, and the Railway Labor Act, RLA, that allow unions to enter into collective bargaining agreements forcing workers to pay dues as a condition of employment.

These so-called “union security” clauses have been a central tenet of Federal labor law despite interfering with the rights of freedom of speech and association that most Americans take for granted. Under this unfair Federal scheme, labor organizations succeeded in creating workplaces where individual workers have two choices: 1. they either must march in lockstep with local union bosses; or 2. they must forever write their employment agreement and association that most Americans take for granted. Under this unfair Federal scheme, labor organizations succeeded in creating workplaces where individual workers have two choices: 1. they either must march in lockstep with local union bosses; or 2. they must forever write their employment agreements in lockstep with local union bosses.

That’s clearly not fair, and in response to the excesses of this abuse of the free association rights of employees, Congress enacted the Taft-Hartley Act in 1947. While this reform bill did not fully right the wrongs of earlier labor law, it did grant States the ability to pass legislation overruling the NLRA regarding union security clauses.

Since Taft-Hartley freed State legislatures to pass legislation in 21 States have passed Right to Work laws, and, not surprisingly, these States have reaped the economic benefits associated with a fair and free labor market. In fact, the 21 States that have passed Right to Work laws have outperformed non-Right to Work States in job creation, real income, and entrepreneurial growth.

But much work remains unfinished. More than 8 million workers in 29 non-Right to Work States must pay dues to a union as a condition of employment, and another 1 million workers in Right to Work States are forced to pay dues under the Federal Railway Labor Act, which cannot be preempted by State Right to Work laws.

Make no mistake, that warms the hearts of union bosses who take advantage of union security clauses to use workers as cash machines. This gives them an endless source of funding for union activities, including activities not related to collective bargaining activity. The growing influence unions have on the political process—financed by coercion—has been openly acknowledged. During the past election cycle, the AFL-CIO bragged of its plans to spend more than $40 million on worker-subsidized political activity, nearly all on behalf of liberal candidates.

These politicians who continue to benefit from the Big Labor cash cow have been successful in protecting the union’s ability to coerce money from their membership. But the American people aren’t fooled. For more than 20 years, Americans have consistently told pollsters that they believe that a requirement to pay union dues as a condition of employment is unfair. In 1997, a Mason-Dixon poll found that 77 percent of Americans agreed with the statement that workers should be able to keep their job regardless of whether they belong to unions.

They’re right, and I hope that this legislation will soon lead to an end to congressional tolerance of forced worker dues. I’m proud to stand with my distinguished colleagues in supporting the National Right to Work Act.

By Mr. Torricelli:

S. 874. A bill to require health plans to include infertility benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. Torricelli. Mr. President, I rise today to reintroduce legislation that would greatly improve the lives of millions of Americans, thousands of whom live in my State of New Jersey, who are infertile. Access to Infertility Treatment and Hope, FAITH, Act first introduced during the 106th Congress, will again give hope to those families who have struggled silently for years with the knowledge that they cannot have children.

For many American families, the blessing of raising a family is one of the most basic human desires. Unfortunately almost fifteen percent of all married couples, over six million Americans, are unable to have children due to infertility.

The physical and emotional toll that infertility has on families is impossible...
to ignore. I have heard from a number of men and women from New Jersey who have experienced the pain and trauma of discovering that their bodies, which appear normal and function perfectly, are somehow deficient in the one area that matters most to them. This is only compounded when patients discover that their insurer, which they rely on for all of their critical health needs, refuse to cover treatment for this disease. The deep sense of loss expressed by those who desire a family as a result of infertility is real and significant. Their pain should no longer be ignored.

Infertility is a treatable disease. New technologies and procedures that have been developed in the past two decades make starting a family a real possibility for many couples previously unable to conceive. In fact, up to two thirds of all married couples who seek infertility treatment are subsequently able to have children.

Unfortunately, due to the high cost of treatment, only 20 percent of infertile couples seek medical treatment each year. Even worse, only four out of every ten couples that seek infertility treatment receive coverage from health insurers, and only one quarter of all health plans provide coverage for infertility services.

My bill will end this inequity by requiring all health insurance plans to ensure testing and coverage of infertility treatment. Specifically, FAITH requires health plans to cover all infertility procedures considered non-experimental that are deemed appropriate by patient and physician, up to four attempts, with two additional attempts provided for those successful couples that desire a second child.

One reason often cited by health insurers for their continued refusal to provide infertility treatment is the negative impact that this coverage would have on monthly premiums. However, recent studies demonstrate that FAITH would raise the costs of health coverage by as little as $21 cents per month per person, an insignificant amount compared to the enormous premium increases we have recently seen from HMOs.

Similar legislation that recognizes the vital right of families to infertility treatments has already been passed in thirteen states, including Texas, California, New York, Illinois, Ohio, Massachusetts, Maryland, Connecticut, Rhode Island, Arkansas, Hawaii, Montana, and West Virginia. In my home state of New Jersey the New Jersey Legislature recently passed legislation that mandates this coverage.

Reproduction is one of the most important values for both men and women, and those individuals who desire the gift of family should have access to the necessary treatments that make life possible.

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. 374
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 “Fair Access to Infertility Treatment and Hope Act of 2001.”

SEC. 2. FINDINGS.
Congress finds that—
(1) infertility affects 6,100,000 men and women;
(2) infertility is a disease which affects men and women with equal frequency;
(3) approximately 1 in 10 couples cannot conceive without medical assistance;
(4) recent medical breakthroughs make infertility a treatable disease; and
(5) only 25 percent of all health plan sponsors provide coverage for infertility services.

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) In General.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1101 et seq.) is amended by adding at the end the following:

"SEC. 714. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.
"(a) In General.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall ensure that coverage is provided for infertility benefits.

(b) INFERTILITY BENEFITS.—In subsection (a), the term ‘infertility benefits’ means—
"(1) diagnostic testing and treatment of infertility;
"(2) drug therapy, artificial insemination, and low tubal ovum transfers;
"(3) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intrafallopian tube transfer, zygote intrafallopian tube transfer; and
"(4) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

(c) IN VITRO FERTILIZATION.—
"(1) LIMITATIONS.—
"(A) IN GENERAL.—Subject to subparagraph (B), coverage of procedures under subsection (b)(3) may be limited to 4 completed embryo transfers.

(b) ADDITIONAL TRANSFERS.—If a live birth follows a completed embryo transfer under a procedure described in subparagraph (A), not less than 4 completed embryo transfers shall be provided.

"(2) REQUIREMENT.—Coverage of procedures under subsection (b)(3) shall be provided if—
"(A) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and
"(B) the procedures are performed at medical facilities that conform with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetricians and Gynecologists, and the American Society for Reproductive Medicine.

(d) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—
"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew covered individual or enrollee’s use or potential use of items or services that are covered in accordance with the requirements of this section;
"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section; or
"(3) provide incentives (monetary or otherwise) to a health care professional to induce such professional to provide covered individual services described in subsection (a)."

(e) RULES OF CONSTRUCTION.—
"(1) IN GENERAL.—Nothing in this section shall be construed—

(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to benefits for services described in this section under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any similar service otherwise covered under the plan;

(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational treatments or services described in this section, except to the extent that the plan or issuer provides coverage for other experimental or investigational treatments or services;

(2) LIMITATIONS.—As used in paragraph (1), the term ‘limitation’ includes restricting the type of health care professionals that may provide such treatments or services.

(f) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of ensuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

(g) CLEARENCE AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Required coverage for infertility benefits for federal employees health benefit plans.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2002.

SEC. 4. PUBLIC HEALTH SERVICE ACT.

(a) In General.—Subtitle B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.
"(a) In General.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall ensure that coverage is provided for infertility benefits;

(b) INFERTILITY BENEFITS.—In subsection (a), the term ‘infertility benefits’ includes—
"(1) diagnostic testing and treatment of infertility;
"(2) drug therapy, artificial insemination, and low tubal ovum transfers;
"(3) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching,
embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

“(d) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

“(c) IN VITRO FERTILIZATION.—

“(1) IN GENERAL.—Subject to subparagraph (B), coverage of procedures under subsection (b)(3) may be limited to 4 completed embryo transfers.

“(2) ADDITIONAL TRANSFERS.—If a live birth follows a completed embryo transfer under a procedure described in subparagraph (b)(3), an additional completed embryo transfer shall be provided.

“(1) REQUIREMENT.—Coverage of procedures under subsection (b)(3) shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

“(b) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.)—

“(1) by redesignating the first subparagraph (A) as stating to other requirements) as subparagraph 2; and

“(2) by adding at the end of subparagraph 2 the following new section:

“SEC. 2753. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

“The provisions of this section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

“(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated on or after January 1, 2002.

“SEC. 5. REQUIRED COVERAGE FOR INFERTILITY BENEFITS FOR FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.

“(a) TYPES OF BENEFITS.—Section 809(c)(1) of title 5, United States Code, is amended by adding at the end the following:

“(C) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

“(b) HEALTH BENEFITS PLAN CONTRACT REQUIREMENT.—Section 802 of title 5, United States Code, is amended by adding at the end the following:

“(1) Each contract under this chapter shall include a provision that ensures infertility benefits as provided under this section.

“(2) Infertility benefits under this subsection shall include—

“(A) diagnostic testing and treatment of infertility;

“(B) drug therapy, artificial insemination, and low tubal ovum transfers;

“(C) in vitro fertilization, intra- cytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

“(D) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

“(A)(i) Subject to clause (ii), procedures under paragraph (2)(C) shall be limited to 4 completed embryo transfers.

“(ii) In the case of a completed embryo transfer, 2 additional completed embryo transfers shall be provided.

“(B) Procedures under paragraph (2)(C) shall be provided if—

“(i) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

“(ii) the procedures are performed at medical facilities that conformed with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine.

“(c) RULES OF CONSTRUCTION.—

“(1) IN GENERAL.—Nothing in this section shall be construed—

“(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, co-insurance, or other cost-sharing or limitations in relation to benefits for services described in this section under the terms of the plan because of the individual’s or enrollee’s use or potential use of items or services that are covered in accordance with the requirements of this section;

“(B) to provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

“(C) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan, at any time, from terminating or limiting for any similar service otherwise covered under the plan;

“(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational treatments of services described in this subsection, and section 1001(h)(1) shall be provided by no later than 60 days after the first day of the first plan year in which such requirements apply.

“Mr. Breaux. Mr. President, today I rise with my colleague Senator Ensign to introduce the Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act. This bill upholds a long-held principle in the application of the Federal fuels excise tax, and restores this principle for certain single engine "dual-use" vehicles.

“...
In sum, as a fixed income tax credit, no audit or administrative issue will arise about the amount of fuel used for the off-road purpose. At the same time, the bill provides a rough justice method to make sure these taxpayers are not required to pay tax on fuels that they shouldn't be paying. Also, as an income tax credit, the proposal would have no effect on the highway trust fund.

I would like to stress that I believe the IRS’ interpretation of the law is not consistent with long-held principles under the tax law, despite their administrative concerns. Quite simply, the law should not condone a situation where taxpayers are required to pay the excise tax on fuel attributable to non-propulsion functions. This bill corrects an unfair tax that should have never been imposed in the first place. I urge my colleagues to cosponsor this important piece of legislation.

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:

SEC. 45E. COMMERCIAL POWER TAKEOFF VEHICLES CREDIT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

SEC. 45E. COMMERCIAL POWER TAKEOFF VEHICLES CREDIT.

“(a) General Rule.—For purposes of section 38, the amount of the commercial power takeoff vehicles credit determined under this section for the taxable year is $250 for each qualified commercial power takeoff vehicle owned by the taxpayer as of the close of the calendar year in which or with which the taxable year of the taxpayer ends.

“(b) Definitions.—For purposes of this section—

“(1) Qualified commercial power takeoff vehicle.—The term ‘qualified commercial power takeoff vehicle’ means any highway vehicle described in paragraph (2) which is propelled by any fuel subject to tax under section 40 (or part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986) for the production of income (and is licensed and insured for such use).

“(2) Highway vehicle described.—A highway vehicle is described in this paragraph if such vehicle is—

“(A) designed to engage in the daily collection of waste or recyclables from homes or businesses and is equipped with a mechanism under which the vehicle’s propulsion engine provides the power to operate a load compactor, or

“(B) designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle’s propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.

“(c) Exception for vehicles used by governments, etc.—No credit shall be allowed under this section for any vehicle owned by any person at the close of a calendar year if such vehicle is used at any time during such year by—

“(1) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

“(2) an organization exempt from tax under section 501(a).

“(d) Denial of Double Benefit.—The amount of any deduction under this subtitle for any tax imposed by subchapter B of chapter 1 of the Internal Revenue Code for any taxable year shall be reduced (but not below zero) by the amount of the credit determined under this subsection for such taxable year.

“(e) Credit Made Part of General Business Credit.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking ‘plus’ at the end of paragraph (12), by striking the period at the end of paragraph (12) and inserting ‘, plus’, and by adding at the end the following new paragraph:

“(14) the commercial power takeoff vehicles credit under section 5E(a).

“(f) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

‘‘Sec. 45E. Commercial power takeoff vehicles credit.’’

“(g) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 2000.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 88—EXPRESSING THE SENSE OF THE SENATE ON THE IMPORTANCE OF MEMBERSHIP OF THE UNITED STATES ON THE UNITED NATIONS HUMAN RIGHTS COMMISSION

Mr. KENNEDY. Mr. President, today, Senator LUGAR and I are introducing a resolution expressing our concern over the recent loss of the United Nations Human Rights Commission. We are pleased that Senators LEAHY, BROWNBACK, IDEN, SNOWE, KERRY, GORDON SMITH, TORRICELLI, CHAFEE, CORZINE, ALLEN, AKARA, LEIBERMAN, BINGAMAN, FEINGOLD, LEVIN, REED, KOHL, DURBIN, JOHNSON, SARBANES, WELSTON, and BOXER are cosponsors of this resolution.

We are deeply concerned that in the vote on May 3, the United States was not re-elected to membership on the Commission. The Commission is the most important and visible international body dealing with the promotion and protection of human rights and is the main policy-making organization dealing with human rights issues in the United Nations. The 53 member governments of the Human Rights Commission prepare studies, make recommendations, draft international human rights conventions and declarations, investigate allegations of human rights violations, and handle communications relating to human rights.

The United States has had a seat on the United Nations Human Rights Commission since its creation in 1947. The United States has worked effectively through the Commission for the past
fifty-four years to improve respect for human rights throughout the world. It is essential for the United States to regain its position on the Commission and to continue to promote human rights worldwide.

The loss of membership on the Commission is a diplomatic setback for the United States and for human rights worldwide. Our resolution emphasizes the important contributions of the U.S. to the Commission, and it urges the Administration to work with our European allies and other nations to restore the membership of the United States on the United Nations Human Rights Commission as soon as possible.

I urge my colleagues to support this resolution.

AMENDMENT PREVIOUSLY SUBMITTED ON MAY 9, 2001
SA 430. Mr. CLELAND 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.

TEXT OF AMENDMENT PREVIOUSLY SUBMITTED ON MAY 9, 2001
SA 430. Mr. CLELAND 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 480, line 12, strike the period at the end and insert a semicolon and the following:

"(6) other instructional services that are designed to assist immigrant students to achieve in elementary and secondary schools in the United States, such as literacy programs, programs of introduction to the educational system, and civics education; and

(7) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other public entities, to assist parents of immigrant students by offering comprehensive community social services, such as English as a second language courses, health care, job training, child care, and transportation services.".

AMENDMENTS SUBMITTED AND PROPOSED
SA 648. Mr. HELMS proposed an amendment to amendment SA 574 proposed by Mr. HELMS 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:

TEXT OF AMENDMENTS
SA 648. Mr. HELMS proposed an amendment to amendment SA 574 proposed by Mr. HELMS 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:

**TITLE — EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES**

**SEC. __ 1. SHORT TITLE.**

This title may be cited as the “Boy Scouts of America Equal Access Act”.

**SEC. __ 2. EQUAL ACCESS.**

(a) In General.—Notwithstanding any other provision of law, no funds made available through the Elementary and Secondary Education Act shall be provided to any public elementary school, public secondary school, local educational agency, or State educational agency, if the school or a school served by the agency—

(1) has a designated open forum; and

(2) denies equal access or a fair opportunity with the procedure under this section to any group affiliated with the Boy Scouts of America or any other youth group that wishes to conduct a meeting within that designated open forum, on the basis of the membership or leadership criteria of the Boy Scouts of America or of the youth group that prohibit the acceptance of homosexuals, or who deny membership to the Boy Scouts of America or the youth group’s oath of allegiance to God and country, as members or leaders.

(b) Termination of Assistance and Other Action.—

(1) DEPARTMENTAL ACTION.—The Secretary is authorized and directed to effectuate subsection (a) by issuing, and securing compliance with, rules or orders with respect to a public school or agency that receives funds made available through the Department of Education and that denies equal access, or a fair opportunity to meet, or discriminates, as described in paragraph (a). A public school or agency that receives funds made available through the Department of Education and that denies equal access, or a fair opportunity to meet, or discriminates, as described in paragraph (a) shall be subject to judicial review described in section 504 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1).

(2) PROCEDURE.—The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), in a manner consistent with the procedures used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2).

(3) JUDICIAL REVIEW.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 504 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2). Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of that Act.

(c) Definitions and Rule.—

(1) Definitions.—In this section:

(A) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(B) SECRETARY.—The term “Secretary” means the Secretary of Education, acting through the Assistant Secretary for Civil Rights of the Department of Education.

(C) YOUTH GROUP.—The term “youth group” means any group or organization intended to serve young people under the age of 21.

(2) Rule.—For purposes of this section, an elementary school or secondary school has a designated open forum whenever the school involved grants an offering to or opportunity for 1 or more youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

**SEC. __ 3. EFFECTIVE DATE.**

This title takes effect 1 day after the date of enactment of this Act.
May 14, 2001

Congressional Record—Senate

On May 18, 1999, I was privileged to be on the floor of the Senate when we proceeded to consider S. 39 and passed it unanimously. I took that occasion to commend Senator Stevens and all who had worked so hard to move this measure in a timely way. That was almost a year ago, during National Police Week of 1999. The measure was sent to the House where it lay dormant for the rest of the last Congress. That delay was most unfortunate.

Again, in this Congress, I have worked with Senator Stevens, Senator Hatch, and others to prefet the final version of this bill and finally get it enacted into law. We have crafted bipartisan improvements to ensure that the Medal of Valor Board will work effectively and efficiently with the National Medal of Valor Office within the Department of Justice. Our legislation should establish both of these entities and it is essential that they work well together to design the Medal of Valor and to create the criteria and procedures for nominations of nominees for the award. The men and women who will be honored by the Medal of Valor for their brave deeds deserve nothing less.

I look forward to the President signing the Public Safety Officer Medal of Valor Act into law.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 39), as amended, was read the third time and passed.

James Gueff and Chris McCurley Body Armor Act of 2001

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 38, S. 166.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 166) to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

Section 1. Short Title.

The Act may be cited as the “James Gueff and Chris McCurley Body Armor Act of 2001.”

Section 2. Findings.

Congress finds that—

1. nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;
(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing law enforcement controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police powers;

(4) violent incidents such as the murder of San Francisco Police Officer James Gueit by an assailant wearing 2 layers of body armor, a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, and the 1997 murder of Captain Chris McCurley of the Etowah County, Alabama Drug Task Force by a drug dealer shielded by body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 3. DEFINITIONS.

In this Act:

(BODY ARMOR.—The term ‘body armor’ means any protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or as a complement to another product or garment.

(LAW ENFORCEMENT AGENCY.—The term ‘law enforcement agency’ means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(ENFORCEMENT OFFICER.—The term ‘enforcement officer’ means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 4. AMENDMENT OF SENTENCING GUIDELINES: WITH RESPECT TO BODY ARMOR.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, as appropriate, to provide an appropriate sentencing enhancement for any crime of violence (as defined in section 16 of title 18, United States Code) or drug trafficking crime (as defined in section 924(c) of title 18, United States Code) a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device in which the defendant used body armor.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any sentencing enhancement under this section should be at least 2 levels.
law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest States in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us, and we should do whatever we can to honor them and their families.

Our Nation’s law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be “routine.” Each and every law enforcement officer across the Nation deserves our heartfelt respect and appreciation on Peace Officers Memorial Day.

Mr. KOHL. Mr. President, I rise today in support of S. Res. 63, recognizing the dedication and sacrifice of the men and women who have lost their lives while serving as public safety officers.

On Sunday, May 13, 2001, in a candlelight vigil, the names of 313 officers, many of whom were lost during the past year, were added to the National Law Enforcement Officers Memorial. Sadly, every year we add hundreds of names to this Memorial in a fitting honor, but also a terribly painful commendation to the people who risk their lives every day to protect our communities.

Wisconsin owes five officers a special tribute today for their service. I would like to honor them again by placing their names in the RECORD along with the date of their untimely passing.


I only hope that these moments of recognition will bring some solace to the officers’ families and express our appreciation for their service. We are forever in their debt.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 40, H.R. 802.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 2001

Resolved, That the Senate—

(1) recognizes May 15, 2001, as Peace Officers Memorial Day, in honor of Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

ORDERS FOR TUESDAY, MAY 15, 2001

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12:30 p.m. on Tuesday, May 15, 2001, I further ask unanimous consent that on Tuesday, 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 Murray amendment as under the previous order.

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

Mr. JEFFORDS. Mr. President, further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.
I am pleased to be a sponsor to this effort to honor the National Science Foundation for 50 years of service.

HONORING THE NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE

SPEECH OF
HON. SHERWOOD L. BOEHLERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BOEHLERT. Mr. Speaker, today, under the leadership of my able colleague Nick Smith, Congress is commemorating fifty years worth of accomplishment by one of the gems of our nation—the National Science Foundation. For fifty years, the National Science Foundation has represented an investment in basic research and education in the sciences and engineering. Strengthen research and education innovation in the sciences and engineering, including independent research by individuals, throughout the United States.

The NSF is also challenging our nation’s basic research programs by supporting activities designed to increase the participation of women and minorities and others underrepresented in science and technology.

I would hope that as the deliberative processes of this body continues that we will find it in our nation’s best interest to increase the NSF’s budget by 15 percent or more. It goes without question within and outside of the federal government that the NSF provides the basic knowledge that leads to innovation that revitalized our economy in the form of the Internet. The NSF was responsible for the management of the Internet until just a few years ago, and provided the foundation for the commercialization that we see today.

The budget resolution conference report cuts the funding level for General Science, Space and Technology, which appropriates funds for the NSF, NASA and DOE non-defense programs, by $600 million below the level in the House-passed version and $1.2 billion below the Senate-passed version. The Senate added funds to these areas of federal basic research expressly to provide a 15% budget increase for NSF, 14.7% for DOE and 4% for NASA by the adoption of the Bond/Mikulski amendment.

The new number for federal support of the NSF, NASA, and DOE non-defense programs is 2.6% above the Fiscal Year 2001 level, which is in adequate funding for NSF and the other agencies that are the main supporters of research in the physical sciences and mathematics in our nation.

Our nation’s current shortage in the number of science, mathematics, and engineering graduates is being felt across the country. With the work of the NSF, these problems can and will be addressed in ways that are creative and proactive.

I urge my Colleagues to support this resolution honoring the work done by the NSF over the last 50 years.

HONORING NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE

SPEECH OF
HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

Mr. CROWLEY. Mr. Chairman, I rise today in firm opposition to the amendment offered by Chairman HYDE, ranking member Mr. LANTOS of the International Relations Committee, and Mr. SWEENEY.

This week, the United States was voted off the United Nations Human Rights Commission and the International Narcotics Control Board. Though it is unfortunate that the United States will not be a member of these commissions during the next rotation, that does not preclude us from being instrumental in shaping human rights and drug policies throughout the world.

Whether our exclusion from these commissions was a result of decisions by the Bush Administration on the Kyoto Protocol or the ABM treaty, or the result of years of fostering anti-American sentiment, we must accept the decision of the member states of the United Nations. As the leader of the international community, we must set an example for the rest of the world to follow. We must persevere in the face of adversity.

By making our payment of UN arrears contingent upon the U.S. return to the United Nations Human Rights Commission runs counter to the principles of cooperation that we expect from the other members of the United Nations. We are punishing not only the countries of the Western European and other groupings for not supporting us, but the entire UN body.

Instead, we need to work on mending fences with nations around the world to demonstrate that we are ready and willing to work with them, not against them.

We need to pay our arrears that are long overdue. We made a commitment to the international community that we must uphold.

Therefore, I strongly encourage my colleagues to vote against the Hyde-Lantos-Sweeney amendment.

HONORING NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE

SPEECH OF
HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be a sponsor to this effort to recognize the significance of the National Science Foundation to our nation’s successes in basic research. The National Science Foundation is an independent U.S. government agency responsible for promoting science and engineering through programs that invest over $3.3 billion per year in almost 20,000 research and education projects in science and engineering.

Since the National Science Foundation was established in May 1950 it has provided support for scientific achievement across the United States. It is currently responsible for funding nearly 20,000 research and education projects in science and engineering and has provided financial support for more than half of the nation’s Nobel laureates in physics, chemistry and economics.

This resolution recognizes the significance of half a century of service from the National Science Foundation (NSF). It also recommits Congress to supporting the NSF’s research, education and technological advancement goals for the next half-century.

The NSF initiates and supports, through grants and contracts, scientific and engineering research and programs to strengthen scientific and engineering research potential, and education programs at all levels, and appraise the impact of research upon industrial development and the general welfare. Award graduate fellowships in the sciences and in engineering.

The NSF also encourages interchange of scientific information among scientists and engineers in the United States and foreign countries. They support the development and use of computers and other scientific methods and technologies, primarily for research and education in the sciences.

This tool of the federal government offers valuable insight into the status and needs of the various sciences and engineering and take into consideration the results of this evaluation in correlating its research and educational programs with other Federal and non-Federal programs.

The NSF maintain a current register of scientific and technical personnel, and in other ways provide central clearinghouse for the collection, interpretation, and analysis of data on scientific and technical resources in the United States, and provide a source of information for policy formulation by other Federal agencies.

This agency determines the total amount of Federal money received by universities and appropriate organizations for the conduct of scientific and engineering research, including both basic and applied, and construction of facilities where such research is conducted, but excluding development, and report annually thereafter to the President and the Congress.

They initiate and support specific scientific and engineering activities in connection with matters relating to international cooperation, national security, and the effects of scientific and technological applications upon society.

The NSF also recommends and encourages the pursuit of national policies for the promotion of basic research and education in the sciences and engineering. Strengthen research and education innovation in the sciences and engineering, including independent research by individuals, throughout the United States.

The NSF is also challenging our nation’s basic research programs by supporting activities designed to increase the participation of women and minorities and others underrepresented in science and technology.

I would hope that as the deliberative processes of this body continues that we will find it in our nation’s best interest to increase the NSF’s budget by 15 percent or more. It goes without question within and outside of the federal government that the NSF provides the basic knowledge that leads to innovation that revitalized our economy in the form of the Internet. The NSF was responsible for the management of the Internet until just a few years ago, and provided the foundation for the commercialization that we see today.

The budget resolution conference report cuts the funding level for General Science, Space and Technology, which appropriates funds for the NSF, NASA and DOE non-defense programs, by $600 million below the level in the House-passed version and $1.2 billion below the Senate-passed version. The Senate added funds to these areas of federal basic research expressly to provide a 15% budget increase for NSF, 14.7% for DOE and 4% for NASA by the adoption of the Bond/Mikulski amendment.

The new number for federal support of the NSF, NASA, and DOE non-defense programs is 2.6% above the Fiscal Year 2001 level, which is in adequate funding for NSF and the other agencies that are the main supporters of research in the physical sciences and mathematics in our nation.

Our nation’s current shortage in the number of science, mathematics, and engineering graduates is being felt across the country. With the work of the NSF, these problems can and will be addressed in ways that are creative and proactive.

I urge my Colleagues to support this resolution honoring the work done by the NSF over the last 50 years.
our nation’s future, through the Foundation’s funding for world class research across the gamut of scientific disciplines. This work in fundamental science has provided the building blocks for many of the technologies that we depend upon today—for example, biotechnology, the Internet, and aerospace materials. We depend on this type of research to find its way into our commercial products, medical systems and treatments, and even defense technologies. We also leverage this research for its training of our future scientific and technology leaders—in universities, industry, and government.

Over the past 50 years, NSF’s reach has extended beyond the lab and into the classroom and even the home. The NSF supports projects at museums, science centers, and planetaria that reach about 50 million people. The figure doubles to 100 million for the audiences of radio, television, and film programs on science. And in our nation’s schools, NSF has been leading the way in improving the math and science education of students of all ages. In many innovative programs, they have used their unique position to bring our nation’s leading scientific researchers and their discoveries into the classroom, to bring the excitement of science and learning to our children. I am pleased that the President has acknowledged their excellent work in education by naming the National Science Foundation as the lead agency for the Math and Science Partnership element of his education initiative, No Child Left Behind.

Through my work on the Science Committee, and in discussions with scientists, corporate technology leaders, and even my constituents back home, I have become very familiar with the NSF. I have come to have great respect for the work that the NSF, its leadership and staff, and the thousands of scientists and educators who are funded by the agency have done. Their innovative spirit and record of success is extraordinary. I join with my colleagues in applauding the National Science Foundation for fifty years of excellent service to their Nation, and wish them well on the next fifty. I hope my colleagues will join us in supporting this resolution, as well in our efforts to support the NSF in future endeavors.

We must continue to support the National Science Foundation with more than words. In recent years, Congress has given the NSF large increases in its budget for both research and educational activities, enabling it to expand on the excellent work it does in scientific discovery, public outreach, and math and science education. As we enter our annual Appropriations process, I will work—along with many of my concerned colleagues—to ensure that Congressional support for significant increases to NSF’s budget continues, so that we live up to the words of praise in this resolution. I hope my colleagues who join us in supporting this resolution on the National Science Foundation’s past successes will also join in our efforts to support the NSF in its future endeavors.

Mr. SERRANO. Mr. Speaker, it is with joy that I rise today to once again pay tribute to Bronx Community College, which held its 23rd Anniversary Hall of Fame 10K Run on Saturday, May 12, 2001. The Hall of Fame 10K Run was founded in 1978 by Bronx Community College’s third President, Dr. Roscoe C. Brown. Its mission is to highlight the Hall of Fame for Great Americans, a national institution dedicated to those who have helped make America great.

The tradition continues, first under the leadership of Acting President, Dr. Leo A. Corbie and now under Dr. Carolyn G. Williams, the first woman President of Bronx Community College. Both Dr. Corbie and Dr. Williams have endorsed and follow the commitment made by Dr. Brown to promote physical well-being as well as higher education.

As one who has run the Hall of Fame 10K Run, I can attest that the excitement it generates brings the entire city together. It is a celebration and an affirmation of life. It feels wonderful to enable more than 400 people to have this experience—one that will change the lives of many of them. It is an honor for me to join once again the hundreds of joyful people who will run along the Grand Concourse, University Avenue and West 181 Street and to savor the variety of their celebrations. There’s no better way to see our Bronx community.

For its first 20 years, Professor Henry A. Skinner has coordinated the Bronx Community College Hall of Fame 10K race, a healthy competition which brings together runners of all ages from the five boroughs of New York City. He is also the President of Unity and Strength, the organization of minority faculty, staff, and administrators of Bronx Community College. Dr. Atlaw Belligne of the Department of Mathematics and Computer Science, as the 1999 Director of the race, continues this rich Bronx tradition. He is also Director of Self Help and Resource Exchange (S.H.A.R.E.).

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Bronx Community College’s 23rd annual Hall of Fame 10K Run possible.

Mr. Speaker, Reverend Doctor David C. Forbes Sr. has devoted his life to serving his community, his church, and his people. As such, he is more than worthy of receiving our recognition today as he is awarded a truly hard-earned honor. I hope that all of my colleagues will join me in honoring this truly remarkable man.

Mr. Speaker, Reverend Doctor David C. Forbes Jr., founder and Pastor of the Columbus Christian Center, Columbus, Ohio, and two daughters, Mrs. Cheryl Forbes Lassiter, a banker in Raleigh, and Denise Colene Forbes, a music teacher in Bronx, New York. Dr. Forbes proudly answers to “Pa Pa” and “Grand Pa” to five grandsons and four granddaughters.

He is the father of three children, a son, Reverend David C. Forbes, Jr., founder and Pastor of the Columbus Christian Center, Columbus, Ohio, and two daughters, Mrs. Cheryl Forbes Lassiter, a banker in Raleigh, and Denise Colene Forbes, a music teacher in Bronx, New York.

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year civil war. It is time for the United States to take a strong stand against the situation in the Sudan. Slavery, aerial bombardment of civilians, and other numerous human rights abuses victimize the people of Sudan. I believe that the President’s appointment of a high-profile individual with an extensive diplomatic background will send a serious message to the government of Khartoum that slavery and the violence must end.

Sudan has been at war intermittently since its independence in 1956. An estimated 2.2 million people have died as a result of war-related causes since the current conflict erupted in 1983. More than 4 million people, mostly southern Sudanese, have been displaced, largely due to the conflict. Command President Bush on his appointment of Andrew Narsios, as special humanitarian coordinator for Sudan to facilitate U.S. assistance. This appointment demonstrates that the United States is taking a leadership role in resolving the situation in the Sudan, however we as a nation we must continue our efforts to put an end to the atrocities in the Sudan.

I also applaud Secretary of State Powell for recognizing the tragedy that is underway in Sudan and for ordering a review of Administration policy. To begin with, the U.S. should use every means at its disposal to bring the military hostilities to an immediate end. At the same time, we should apply every bit of moral persuasion and condemn in the loudest possible voice the unspeakable violations of human rights being perpetrated against the weakest members of that society.

In the Sudan the world is faced with a human rights nightmare of the first order. We have the opportunity, indeed the responsibility, to use our international leadership to help end the civil war and the heartbreaking enslavement of women and children which has intensified as a result of the hostilities.

As a nation with first-hand knowledge of the savagery of slavery, of the misery to its victims, and the suffering of future generations, we must recall in horror at the practice of slavery in the Sudan, and work with the international community to end the war which is the root cause.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

SPREECH OF

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes:

Mr. CROWLEY. Mr. Chairman, I would like to begin by thanking Chairman Hyde and our distinguished ranking member, Mr. LANTOS, for drafting a fair and bipartisan bill. I would also like to thank staff on both sides of the aisle for their efforts to include valuable language that is of great importance to me and members of my constituency. I would like to bring your attention to a series of important provisions in the Foreign Relations Authorization Act for 2002–2003. These provisions form a core of initiatives that target what I believe that bridges the gap between the work we do on the international relations committee and the needs and desires of the people in my district.

As the representative of the most diverse district in the United States, these provisions reflect the unique composition of my district. The importance of these provisions is not limited to the residents of my district, they are important to the foreign policy goals of all Americans. They address issues central to our foreign policy toward Ecuador, Israel, human rights abuses in Indonesia, and relations between Northern Ireland and the Republic of Ireland. Two of these amendments request that the Secretary of State provide a report which outlines a comprehensive strategy to address the spill over effect of Plan Colombia Fe Ecuadorean Cocali describes the key steps that the State Department has taken and will take to facilitate better relations between Israel and other members of the international community.

I have also offered a resolution which calls for the prompt release of the autopsy report by the Indonesian Government, and the commencement of the investigation into the death of an Acehnese human rights lawyer who was killed in 2000 while working in the Aceh Special District in Queens, New York, Jafar Siddiq Hamzah. In addition, I successfully offered an amendment urging David Trimble to allow the Sinn Fein Ministers to take their rightful place on the North South Ministerial Council. Sinn Fein is legitimate and should be able to participate. I have therefore introduced sense of the Congress language calling on David Trimble to adhere to the terms of the Good Friday Agreement, and lift the ban on the Sinn Fein minister participate in the Council.

Finally, this bill addressed the ongoing health and environmental crisis related to the extensive arsenic contamination of drinking water in Bangladesh by requiring the Secretary of State report on activities to deliver arsenic-free drinking water and to treat those already affected with arsenic poisoning.

I wholeheartedly support this bill in its current form, and I commend Congresswoman Fein is a legitimate party to the Council and the international community.

If we see the unique composition of my district.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 20TH ANNUAL NATIONAL PEACE OFFICERS’ MEMORIAL SERVICE

SPREECH OF

HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. JACKSON-LEE of Texas, Mr. Speaker, I rise to express my strong support for H. Con. Res. 74, which appropriately honors the service of officers that were killed in the line of duty. As a result of the resolution, the National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 20th annual National Police Officers’ Memorial Service, on the Capitol Grounds on May 15, 2001, or on such other date that may be convenient. So many of our law enforcement officers work so hard every year. It is appropriate that we honor those that were killed in the line of duty in the year 2000. This is an appropriate initiative because there are many officers that act heroically everyday but never receive their due credit. They must be recognized for their invaluable service because they accomplish so much for communities throughout the nation.

Let me just devote some attention to those who were killed in the line of duty in the past from the city of Houston. Officers like Troy Blando assigned to the auto theft division, who was killed on May 19, 1999 when he was attempting to arrest a suspect driving a stolen Lexus. The suspect fired a 40 caliber Glock, striking Officer Blando once in the chest. Officer Blando made it back to his vehicle and radioed for backup units to his location and a description of the suspect. Officers arrived on the scene within seconds and arrested the fleeing suspect. Officer Blando died in route to Ben Taub Hospital. Officer Blando was a 19 year veteran of the Houston Police Department.

Officer K.D. Kinkaid was killed on May 23, 1997 while he was off duty and driving in his truck with his wife. As they drove past an oncoming vehicle, an object struck the windshield of the truck. Officer Kinkaid turned around and followed the other vehicle. The other vehicle stopped and Officer Kinkaid exited his truck and approached the driver’s side of the other vehicle. Officer Kinkaid told the police officer and proceeded to question the suspects in the vehicle. One of the suspects shot Officer Kinkaid and they fled the scene in the vehicle. Officer Kinkaid died from the gunshot wound a few days later.

Officer C.H. Trinh died on April 6, 1997 while working at his parents’ convenience store when a man walked in a attempted to rob him. Officer Trinh was shot in the head and died at the scene. The suspect who was later caught, confessed to the killing, telling police he had entered the store with a handgun and jumped the counter. He stated that after taking some of Officer Trinh’s jewelry, Trinh approached his police officer and Officer Trinh’s police badge he got scared and shot the officer.

Officer D.S. Erickson was killed on December 24, 1995 while she was working an extra job directing traffic outside a local church on Christmas Eve. She was struck by a passing vehicle. She was transported to the hospital but died during surgery.

Officer G.P. Gaddis was murdered on January 31, 1994 by one of two suspects he was transporting to jail for aggravated robbery. Both suspects had been searched and handcuffed behind their backs prior to being placed in the back seat of the patrol car. One of the suspects wiggled his hands, still cuffed, to his front, and retrieved a .380 hidden on his person. He then shot Officer Gaddis in the back of the head as he was driving down the road. The patrol car crashed into a house and the suspect escaped from the wrecked car, but was arrested a short distance away from the scene.

These were some of the sorrowing stories of officers who have lost their lives in my home city of Houston. Presently, 95 police officers from the Houston Police Department have been killed in the line of duty.

I urge my colleagues to support the legislation.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meeting, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 15, 2001 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

MAY 16

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the Farm Credit title of the Farm Bill.
SR–328

9:30 a.m.
Veterans’ Affairs
To hold hearings on the nomination of Leo S. Mckay, Jr., of Texas, to be Deputy Secretary of Veterans Affairs; the nomination of Robin L. Higgins, of Florida, to be Under Secretary of Veterans Affairs for Memorial Affairs; the nomination of Maureen Patricia Cragin, of Maine, to be an Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs; the nomination of Jacob Lozada, of Puerto Rico, to be an Assistant Secretary of Veterans Affairs; and the nomination of Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs for Congressional Affairs.
SR–418

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Defense.
SD–192

Appropriations
District of Columbia Subcommittee
To hold hearings on the District of Columbia Superior Court’s proposed reform of its Family Division.
SD–116

Foreign Relations
To hold hearings on the nomination of A. Elizabeth Bressler, of Maryland, to be Assistant Secretary of State for European Affairs.
SD–419

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Sergeant at Arms, United States Capitol Police Board, and Office of Compliance.
SD–124

1:30 p.m.
Finance
To hold hearings on the nomination of Claude A. Allen, of Virginia, to be Deputy Secretary; the nomination of Thomas Scully, of Virginia, to be Administrator of the Health Care Financing Administration, the nomination of Pyshma Jindal, of Iowa, to be Assistant Secretary for Planning and Evaluation, the nomination of Wade F. Horn, of Maryland, to be Assistant Secretary for Family Support, all of the Department of Health and Human Services; the nomination of Peter R. Fisher, of New Jersey, to be Under Secretary for Domestic Finance, and the nomination of James Gurule, of Michigan, to be Under Secretary for Enforcement, both of the Department of the Treasury; and the nomination of Linnet F. Deily, of California, and the nomination of Peter F. Allgeier, of Virginia, both to be Deputy United States Trade Representatives, each with the rank of Ambassador.
SD–215

2 p.m.
Intelligence
To hold closed hearings on intelligence matters.
SH–219

3 p.m.
Foreign Relations
To hold hearings on the nomination of Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency; and the nomination of Peter S. Watson, of California, to be President of the Overseas Private Investment Corporation.
SD–419

MAY 17

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine certain issues surrounding the nursing staffing shortage.
SD–430

Appropriations
Treasury and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Treasury, focusing on the Internal Revenue Service.
SR–485

Commerse, Science, and Transportation
To hold hearings on the nomination of Kathleen Q. Abernathy, of Maryland, the nomination of Kevin J. Martin, of North Carolina, the nomination of Michael Joseph Copps, of Virginia, and the nomination of Michael K. Powell, of Virginia, all to be a Member of the Federal Communications Commission.
SR–553

Health, Education, Labor, and Pensions
To hold hearings to examine direct care staffing shortages.
SD–430

Environment and Public Works
To hold hearings on the nomination of Linda J. Fisher, of the District of Columbia, to be Deputy Administrator, the nomination of Jeffrey R. Holmstead, of Colorado, to be Assistant Administrator for Air and Radiation, the nomination of Stephen L. Johnson, of Maryland, to be Assistant Administrator for Toxic Substances, of the Environmental Protection Agency; and the nomination of James Laurence Connaughton, of the District of Columbia, to be a Member of the Council on Environmental Quality.
SD–628

10 a.m.
Governmental Affairs
To hold hearings on the nomination of John D. Graham, of Massachusetts, to
be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget; the nomination of Angela Styles, of Virginia, to be Administrator for Federal Procurement Policy; and the nomination of Stephen A. Perry, of Ohio, to be Administrator of General Services.

SD–342

Appropriations Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Immigration and Naturalization Service, all of the Department of Justice.

SD–192

Appropriations Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Immigration and Naturalization Service.

SD–192

Appropriations Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on agriculture market concentration issues.

SD–138

Judiciary Business meeting to consider pending calendar business.

SD–226

2 p.m.
Foreign Relations
To hold hearings on the nomination of William J. Burns, of the District of Columbia, to be Assistant Secretary of State for Near Eastern Affairs; and the nomination of Christina B. Rocca, of Virginia, to be Assistant Secretary of State for South Asian Affairs.

SD–419

Intelligence
To hold closed hearings on intelligence matters.

SH–219

2:30 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings on proposed legislation authorizing funds for United States Export-Import Bank.

SD–538

4 p.m.
Foreign Relations
To hold hearings on the nomination of Walter H. Kansteiner, of Virginia, to be Assistant Secretary of State for African Affairs.

SD–419

MAY 22
9 a.m.
Governmental Affairs
To hold hearings on the nomination of Erik Patrick Christian and the nomination of Maurice A. Ross, each to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine certain issues surrounding retiree health insurance.

SD–340

2:30 p.m.
Foreign Relations
Business meeting to consider pending calendar business.

S–116, Capitol

MAY 23
9:30 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine issues surrounding human subject protection.

SD–430

10 a.m.
Governmental Affairs
Business meeting to consider certain nominations.

SD–342

Judiciary
To hold hearings on Department of Justice and certain judicial nominations.

SD–226

MAY 24
9:30 a.m.
Health, Education, Labor, and Pensions
Governmental Affairs Investigations Subcommittee
To hold hearings to examine alleged problems in the tissue industry, such as claims of excessive charges and profit making within the industry, problems in obtaining appropriate informed consent from donor families, issues related to quality control in processing tissue, and whether current regulatory efforts are adequate to ensure the safety of human tissue transplants.

SD–342

10 a.m.
Appropriations Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Secretary of the Senate and the Architect of the Capitol.

SD–124

10 a.m.
Appropriations VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.

SD–138

JUNE 6
10 a.m.
Appropriations VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.

SD–138

JUNE 13
9:30 a.m.
Governmental Affairs Investigations Subcommittee
To hold hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.

SD–342

JUNE 14
9:30 a.m.
Governmental Affairs Investigations Subcommittee
To continue hearings to examine the growing problem of cross border fraud, which poses a threat to all American consumers but disproportionately affects the elderly. The focus will be on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.

SD–342

JUNE 15
9:30 a.m.
Governmental Affairs Investigations Subcommittee
To continue hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.

SD–342

JUNE 20
10 a.m.
Appropriations VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.

SD–138
Chamber Action

Routine Proceedings, pages S4851–S4899

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 872–877, and S. Res. 88.  Page S4890

Measures Reported:
  S. 718, to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, with amendments. (S. Rept. No. 107–16)  Page S4890

Measures Passed:

  Public Safety Medal of Valor Act: Senate passed S. 39, to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, after agreeing to a committee amendment in the nature of a substitute.  Pages S4896–97

  James Guelff Body Armor Act: Senate passed S. 166, to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies, after agreeing to a committee amendment in the nature of a substitute.  Pages S4897–98

  Commemorating Law Enforcement Officers: Senate agreed to S. Res. 63, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.  Pages S4898–99

  Public Safety Officer Medal of Valor Act: Senate passed H.R. 802, to authorize the Public Safety Officer Medal of Valor, clearing the measure for the President.  Page S4899

Elementary and Secondary Education Act Authorization: Senate resumed consideration of S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, taking action on the following amendments proposed thereto:

  Adopted:
    By a unanimous vote of 96 yeas (Vote No. 101), Reid Amendment No. 460 (to Amendment No. 358), to provide assistance to entities that emphasize language and life skills programs for limited English proficient students.  Pages S4858–61, S4874, S4877
    By 74 yeas to 23 nays (Vote No. 102), Cleland Modified Amendment No. 376 (to Amendment No. 358), to provide for school safety enhancement, including the establishment of the National Center for School and Youth Safety.  Pages S4858, S4872–74, S4874–75, S4877
    Sessions Amendment No. 600 (to Amendment No. 358), to provide for confidential reporting of individuals suspected of imminent school violence.  Pages S4870, S4877
    Subsequently, the amendment was modified.  Page S4880
    Withdrawn:
      Specter Modified Amendment No. 388 (to Amendment No. 378), to provide for class size reduction.  Pages S4858, S4877–78
    Pending:
      Jeffords Amendment No. 358, in the nature of a substitute.  Pages S4858–80
      Kennedy (for Murray) Amendment No. 378 (to Amendment No. 358), to provide for class size reduction programs.  Page S4858
      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.  Page S4858
      Biden Amendment No. 386 (to Amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.  Page S4858
      Voinovich Amendment No. 389 (to Amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.  Pages S4858, S4877
      Carnahan Amendment No. 374 (to Amendment No. 358), to improve the quality of education in our Nation’s classrooms.  Page S4858

  Pages S4858–80
Reed Amendment No. 425 (to Amendment No. 358), to revise provisions regarding the Reading First Program.

Page S4858

Leahy (for Hatch) Amendment No. 424 (to Amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Pages S4864–65

Helms Amendment No. 574 (to Amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Page S4865

Helms Amendment No. 648 (to Amendment No. 574), in the nature of a substitute.

Pages S4865–68

Dorgan Amendment No. 640 (to Amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Page S4870

Wellstone/Feingold Amendment No. 465 (to Amendment No. 358), to improve the provisions relating to assessment completion bonuses.

Pages S4875–77

Voinovich Amendment No. 443 (to Amendment No. 358), to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

Pages S4878–80

A unanimous-consent-time agreement was reached providing for further consideration of the Kennedy (for Murray) Amendment No. 378 (to Amendment No. 358), listed above, at 10:30 a.m., on Tuesday, May 15, 2001, with a vote on the amendment to occur at 2:20 p.m.

Page S4880

Nominations Received: Senate received the following nominations:

Peter W. Rodman, of the District of Columbia, to be an Assistant Secretary of Defense.

Allan Rutter, of Texas, to be Administrator of the Federal Railroad Administration.

Patricia Lynn Scarlett, of California, to be an Assistant Secretary of the Interior.

George Tracy Mehan, III, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency.

Brian Carlton Roseboro, of New Jersey, to be an Assistant Secretary of the Treasury.

Paul Vincent Kelly, of Virginia, to be an Assistant Secretary of State (Legislative Affairs).


Lynn Leibovitz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Page S4899

Executive Communications:

Pages S4899–90

Petitions and Memorials:

Pages S4899–90

Statements on Introduced Bills:

Pages S4899–90

Amendments Submitted:

Pages S4899

Additional Statements:

Pages S4899–90

Record Votes: Two record votes were taken today.

(Total—102)

Page S4877

Adjournment: Senate met at 12 noon, and adjourned at 7:14 p.m., until 10:30 a.m., on Tuesday, May 15, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4899.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 5 public bills, H.R. 1824–1828, were introduced.

Page H2147

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf to act as Speaker pro tempore for today.

Page H2145
Committee on International Religious Freedom: The Chair announced the Speaker’s reappointment of Ms. Nina Shea of Washington, D.C. to the Commission on International Religious Freedom for a term of two years.

Congressional Award Board: Read a letter from the Minority Leader wherein he announced his appointment of Representative Jackson-Lee of Texas to the Congressional Award Board.

Private Calendar: Agreed to dispense with the Private Calendar business of Tuesday, May 14.

Senate Messages: Message received from the Senate appears on page H2145.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 2 p.m. and adjourned at 2:07 p.m.

Committee Meetings

DISTRICT OF COLUMBIA—COORDINATION OF CRIMINAL JUSTICE ACTIVITIES

Committee on Government Reform: On May 11, the Subcommittee on the District of Columbia held a hearing on “Coordination of Criminal Justice Activities in the District of Columbia.” Testimony was heard from Richard Stana, Director, Justice Issues, GAO; from the following officials of the Department of Justice: Michael J. Gaines, Chairman, U.S. Parole Commission; and Kenneth L. Wainstein, Acting U.S. Attorney, District of Columbia; the following officials of the District of Columbia: Margret Nedelkoff Kellem, Deputy Mayor, Public Safety and Justice; Kathy Patterson, Chairperson, Committee on the Judiciary, City Council; Rufus King, III, Chief Judge, Superior Court; Charles H. Ramsey, Chief of Police; John L. Clark, Corrections Trustee; Cynthia E. Jones, Director, Public Defender Service; and Susan W. Shaffer, Director, Pretrial Services Agency; and a public witness.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of April 23, 2001, p. D334)

H.R. 256, to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. Signed on May 11, 2001. (Public Law 107–8)

COMMITTEE MEETINGS FOR TUESDAY, MAY 15, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 2002 for Foreign Operations, 9:30 a.m., SD–124.

Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2002 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Small Business Administration, 10 a.m., SD–192.


Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on the Department of Energy’s Defense Nuclear Nonproliferation Programs, to be followed by closed hearings (in Room SH–219), 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold hearings on the nomination of Alphonso R. Jackson, of Texas, to be Deputy Secretary, the nomination of Richard A. Hauser, of Maryland, to be General Counsel, the nomination of John Charles Weicher, of the District of Columbia, to be an Assistant Secretary and serve as the Federal Housing Commissioner, and the nomination of Romolo A. Bernardi, of New York, to be Assistant Secretary for Community Planning and Development, all of the Department of Housing and Urban Development; and to hold a business meeting to consider the nomination of John E. Robson, of California, to be President of the Export-Import Bank of the United States and the nomination of James J. Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration, 10 a.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings on the national energy policy with respect to federal, state, and local impediments to the siting of energy infrastructure, 9:30 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings on the President’s proposed budget request for fiscal year 2002 for the Environmental Protection Agency, 2:30 p.m., SD–628.

Committee on Finance: business meeting to markup the proposed Restoring Earnings to Lift Individuals and Empower Families (RELIEF) Act, 9 a.m., SH–216.

Committee on Governmental Affairs: to hold hearings to examine the financial outlook of the United States postal service, 10 a.m., SD–342.

Select Committee on Intelligence: to hold closed hearings on intelligence matters, 10 a.m., SH–219.

Committee on the Judiciary: to hold hearings on the implementation of the Paul Coverdell National Forensic
Science Improvement Act (P.L. 106–561), focusing on DNA crime labs, 2 p.m., SD–226.

United States Senate Caucus on International Narcotics Control: to hold hearings to examine the relationship between the source zone and Plan Colombia, including the current strategy and balance of transit zone operations, 2 p.m., SR–428A.

House

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs, on the Secretary of the Treasury, 2:30 p.m., 2359 Rayburn.

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education, hearing on the Administration for Children and Families, 2 p.m., and the Administration of Aging, 3:15 p.m., 2358 Rayburn.

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies, on the Corporation for National and Community Service, 10 a.m., the National Credit Union Administration, 1 p.m., and on the Neighborhood Reinvestment Corporation, 2 p.m., H–143 Capitol.

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality, hearing on Consumer Perspectives on Energy Policy, 1 p.m., 2123 Rayburn.


Committee on the Judiciary: Subcommittee on Crime, oversight hearing on the “Reauthorization of the United States Department of Justice Part II-Criminal Law Components at Main Justice,” 4 p.m., 2141 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on the “INS and the Executive Office for Immigration Review,” 2 p.m., 2237 Rayburn.

Committee on Resources: Subcommittee on Forests and Forest Health, hearing on the Views and Vision of the New Chief of the Forest Service, 3:30 p.m., 1334 Longworth.

Committee on Rules: to consider the following: H.R. 622, Hope for Children Act; and H.R. 1, No Child Left Behind Act of 2001, 2 p.m., H–313 Capitol.

Committee on Science: Subcommittee on Space and Aeronautics, hearing on the Aerospace Industrial Base, 4 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation, hearing on Recreational Boating Safety, 2 p.m., 2167 Rayburn.
Next Meeting of the SENATE
10:30 a.m., Tuesday, May 15

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 1, Elementary and Secondary Education Act Authorization, with a vote on Kennedy (for Murray) Amendment No. 378 (to Amendment No. 358) to occur at 2:20 p.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, May 15

House Chamber

Program for Tuesday: Consideration of Suspensions:
(1) H.R. 1696, Expedited Construction of World War II Memorial;
(2) H. Res. 116, Peace Officers Memorial Day Honoring Those Killed or Disabled in the Line of Duty;
(3) H.R. 1727, Fallen Hero Survivor Benefit;
(4) H.R. 586, Foster Care Promotion; and
(5) H.R. 428, Participation of Taiwan in the World Health Organization.

Extensions of Remarks, as inserted in this issue

HOUSE
Boehlert, Sherwood L., N.Y., E789
Crowley, Joseph, N.Y., E789, E791
Jackson Lee, Sheila, Tex., E789
Rangel, Charles B., N.Y., E790
Serrano, Jose E., N.Y., E790
Towns, Edolphus, N.Y., E790

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