United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, MAY 15, 2001 No. 66

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. DUNCAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 15, 2001.

I hereby appoint the Honorable JOHN J. DUNCAN, Jr., to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

H.R. 802. An act to authorize the Public Safety Officer Medal of Valor, and for other purposes.

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

S. 39. An act to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 166. An act 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 message also announced that pursuant to Public Law 106–554, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the Senator from Nebraska (Mr. HAGEL) to the Board of Directors of the Vietnam Education Foundation.

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from Illinois (Mr. DURBIN) as a member of the United States Capitol Preservation Commission, vice the Senator from California (Mrs. FEINSTEIN).

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the majority whip limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

LINDA SHENWICK

Mr. STEARNS. Mr. Speaker, having some concern by the recent UN votes that denied the United States a seat on both the Human Rights Commission and the Narcotics Trafficking Commission, many of my colleagues are again questioning how the U.S. should approach its participation in the United Nations.

In reality, while there is sufficient reason to assess blame on certain functions within the UN, we should also look to our own government. In 1999, during the State Department authorization debate, I brought to the attention of my colleagues the treatment of a dedicated State Department employee, Ms. Linda Shenwick.

Ms. Shenwick is an exemplary public servant, having served in the United States mission to the United Nations handling personnel and budget issues. She quickly carved out a reputation for diligence and hard work.

She earned three consecutive outstanding ratings and a promotion to the Senior Executive Service. Ms. Shenwick's reputation earned the respect of other UN member states resulting in her election to serve on the Advisory Committee on Administrative and Budgetary Questions in 1991 and again then in 1993.

In her position she repeatedly found evidence of deliberate waste, fraud and mismanagement at the UN. Her reports, however, were largely ignored by the previous administration.

Without recourse to address these incidents on her own, Ms. Shenwick began notifying key Members of Congress regarding her discoveries. As a result of her work, Congress forced the UN to create an Office of Inspector General to end such fraud and mismanagement.

So how was one of the most valuable civil servants rewarded? Certain government officials and department employees embarked on a campaign to sabotage her career.

Ms. Shenwick has endured false accusations, unsubstantiated poor performance reviews, and the ultimate and, I believe, illegal removal from government service.

I would like to point out, Mr. Speaker, to my colleagues that when former Secretary Madeline Albright refused to renominate Ms. Shenwick to the UN Budget Committee, negating 5 years of experience with the Byzantine UN budgetary bureaucracy, the U.S. ended up losing its seat on the Budget Committee for the next 4 years.

In all honesty, I do not think we would be seeing current problems at the U.S. mission if we had more employees like Linda Shenwick. Ms. Shenwick is a person that believes in the United Nations and wants to serve to bolster the influence of the United States and to strengthen the organization as a whole.

The problems of waste, fraud and mismanagement have been highlighted by most of my colleagues here on the House floor over the years.

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Why, then, do we not insist that the Department of State staff the U.S. mission with those individuals who know where to look for these problems and have the courage and have the dedication to serve and to report them to Congress?

Ms. Shenwick should be reinstated to her former position, reimbursed for her personal expenses, and we should have her personnel files expunged of any unsatisfactory reviews or other false evidence to justify those reviews.

I will be sending a letter to President Bush requesting reinstatement of Ms. Shenwick so the United States can again benefit from her expertise, her diligence, and highly exemplary service.

Mr. Speaker, I am also introducing a concurrent resolution to the same effect. I hope my colleagues will join with me in signing this letter to the President and also cosponsor my legislation.

ENERGY CONSERVATION SHOULD BE FOUNDATION OF OUR NATIONAL POLICY

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

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress is for the Federal Government to be a better partner with individual citizens, their State and local governments; our communities more livable, our families safe, healthy and economically secure.

Having a dependable supply of energy and using it wisely is critical for a livable community. The current controversy surrounding energy is an excellent opportunity for this administration and this Congress to give thoughtful consideration to the impact that energy decisions can have on the livability of our communities and to develop a more rational approach to energy utilization.

Unfortunately, the President, his chief spokesperson, and most recently the Vice President, are setting up a false policy conflict for Americans. They would like us to somehow believe that being more thoughtful about use of energy and the Federal Government's role in promoting a better approach is somehow an assault on the American way of life. Nothing could be further from the truth.

Mr. Speaker, America works best when we give people choices so they can determine what works best for them. A country that disregards the value of conservation, that ignores fuel efficiency for all automobiles, that seeks to maximize production of energy at the expense of environmental quality is not protecting the American way of life, nor is it doing American families or businesses any favors.

Energy conservation is not just a matter of personal virtue, but if it were, there is nothing wrong with formulating energy policy that recognizes the importance of this virtue.

Energy conservation should be, with all due respect to the Vice President, the foundation of our national policy. It is the only way we will provide significant amounts of energy in the near term. Furthermore, it is an approach that has already proven effective and has received bipartisan support.

All the hotly debated talk about drilling in the Alaskan National Wildlife Refuge and building a new power plant a week is not going to alleviate the problems facing consumers now. Instead of cutting the budget for environmental conservation, we need to set policies that actually encourage it.

There are simple conservation measures we could be taking today. Number one, extending fuel efficiency standards to all vehicles, including SUVs, light trucks and minivans. An increase of 3 miles per gallon in the fuel efficiency of SUVs will save more oil than drilling in the Arctic would ever produce, and we will get the benefits long before we ever get any Arctic oil.

Two, encouraging higher building standards that are more energy efficient, such as colored roofs, which reflect heat rays and lower home temperatures by as much as 5 degrees.

Three, we should be promoting new technologies and alternate fuels. We should not force people who want a 70-mile-per-gallon vehicle to have to buy one from overseas. By providing incentives and Federal support for developing and deploying energy-efficient technologies here in the United States, we can provide new and lucrative markets for American businesses.

Four, we ought to restore the higher standards for energy guzzling appliances. The Bush administration should allow the saving standards issued by the Clinton administration to stand, not be rolling them back.

Businesses are already realizing these benefits. A DuPont plant in New Jersey, for instance, which refused energy use per pound of product by one-third, cut global warming pollution per pound of product by nearly one-half, and as production rose 9 percent, the total energy bill fell by $17 million a year.

But we need to get help to the people who perhaps cannot afford it.

Five, helping low-income people with today's skyrocketing energy bills and helping them install energy savings appliances seems to make sense. If we can afford, as some suggest, up to $2 trillion in tax cuts, there is no reason that Congress cannot put some money on the table now that will help reduce the demand for energy production and help low- and moderate-income people save money over time.

We should have policies that reduce the extra costs for low-income people who may not have the money to replace appliances that in the long term will pay for themselves many times over. The long-term benefits accrue not just to those low-income households. The community and the utilities will benefit huge savings by not building unnecessary power plants.

Yesterday's poll in USA Today showed that the American public understands this problem and an overwhelming percentage favor conservation over production.

We should invest in alternative energy, retrofit existing buildings with new technology, help lower-income people cope today and conserve for tomorrow, and all of us should embrace conservation.

These principles should be the basis of a national energy policy, an approach that will unite us in Washington, D.C., because it is what the people want and it is the quickest path to building more livable communities.

PARENTS' ROLE IN TEEN PREGNANCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Connecticut (Mrs. JOHNSON) is recognized during morning hour debates for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am pleased to be joined on the floor of the House today by the gentlewoman from North Carolina (Mrs. CLAYTON), who is my very dear friend and colleague. The gentlewoman and myself and the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from New York (Mrs. LOWEY) have been very active on the issue of teen pregnancy, and work closely with the campaign to end teen pregnancy to bring attention to the issue throughout the Nation.

The newest data shows a very interesting fact: Teens listen to their parents. Often parents think their teenagers only listen to their teenage friends, and sometimes parents give up talking to their teenagers about difficult subjects like sex and sexuality and sexual activity amongst teens.

But when your child is in their teen years, that is a time when you need to talk with your child. You need to listen to your son or your daughter. You need to hear what pressures they feel and face, because it is only through that conversation that you can help your teenager understand their own growth.

Of course, they are growing in sexual awareness, but they are also growing emotionally towards independence and intellectually towards a level of personal power necessary for them to fulfill their dreams.

When we talk to our kids about sexuality, we rarely talk to them about the terrible danger teen pregnancy poses to their growth and development, their ability to parent, their ability to provide for their child in the way they would want to. We rarely talk to them about the sheer lunacy of teen sex because of the devastating impact it can have on their lives. For young girls,

particularly, inappropriate intimacy stunts their growth.

Teenagers, by their nature, spend their teen years weaning themselves from their parents. That is what growing up is all about. It is about gaining your independence, gaining a sense of yourself, developing your own skills so that you can be your own person in the decades ahead.

□ 1245

As one weans oneself from the control of one's parents, one also must gain that control oneself. For young women particularly, premature sexuality has the effect of transferring control to the young man. It is simply more true for young girls than it is for a young man. Yet, we do not talk with our girls about this at all.

We do not help them to see that, if they want to succeed in the project of growing up, if they want to be their own person, if they want to be intellectually strong, they want to be morally strong, they want to have a sound body, a sound mind, a sound heart, they have to take responsibility for themselves.

In seeking to leave their parents, it is particularly dangerous for young girls to shift that power of control through sexual intimacy to a young man. That is unfortunately exactly what happens, and we do not even talk about it.

So it is important to talk to one's teens. It is important to listen to the pressures they face. It is important not to be afraid of those pressures because, through discussion, one will arm one's child with an understanding of the power that abstinence provides them over themselves and gives them in shaping their future.

Now, growing up has always been tough. It is tough all through one's life to really grow up well. But it is particularly tough in teen years and during that process of adolescence. If we, as parents, cannot talk straighter with our children and cannot listen at a level that allows us to listen to things we never thought we would hear our kids say, then we cannot, with them, help them guide themselves through the difficult waters of adolescence in today's world and the many pressures that growing up imposes on teenagers.

So kids need to talk to their folks and folks need to listen to their children. We hope that, by investing money in the research necessary to better understand teen sexuality and teen growth, we will be better able to help kids understand how it is that one becomes empowered to be oneself and to determine one's own course and how it is we establish healthy, strong, loving relationships throughout one's lifetime. By investing money in this very important research project, we will be able to talk from an increasingly sound and strong basis of knowledge ourselves.

But we also hope that, through sheer publicity, we will be able to help teens understand that premature sexual intimacy is destructive of their future.

I am delighted to be here with the gentlewoman from North Carolina (Mrs. CLAYTON) today.

PARENTS' ROLE IN TEEN PREGNANCY

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

Mrs. CLAYTON. Mr. Speaker, I am also delighted to join the gentlewoman from Connecticut (Mrs. JOHNSON) as we serve on the House Caucus for the Prevention of Teenage Pregnancy. I am delighted for many year reasons; one, because this is an opportunity, and the month of May is an opportunity to raise the awareness.

Over the last several years, I have spoken out often and devoted a lot of time and energy to this effort. But no more time is more rewarding than talking to young people themselves and talking to community leaders about this issue.

This week alone, I spoke to three different schools. It included a high school and two junior high schools. What I am finding out is that young people themselves have views, opinions, and they are part of a leadership, too. They should be engaged in this issue.

I am convinced if one is effectively to reduce teenage pregnancy, we must, indeed, bring the awareness to the community of the consequences of teenage pregnancies, not only to the families, the young people themselves, but also to the community. But more importantly, we must, indeed, engage our youth, because they are factored in resolving this issue.

We have good news. Since 1990, teenage pregnancies have gone down. It has been a steady decline. So we should celebrate that as a Nation. We deserve to be proud of that activity. But in spite of our good efforts and success, still, yet today, more than 1 million children, young people, indeed, become pregnant each year, those younger than the age of 20. Nearly 1 million every year now, although it is going down, there is a steady number of persons, indeed, who are teenagers who are becoming parents before they reach their 20th birthday.

Also, in my part of the State, eastern North Carolina, the rate is not going down as fast. In fact, I have several of my counties where the rate is higher than in my State. So I am, indeed, concerned about that.

May, as I say, is an opportunity where we can bring the awareness to both the community and to the young people. The thing we want to emphasize to our young people that teenage is a time when they should be concentrating on education. They should be having fun. They should be talking about their career. They should be growing up and not focused on pregnancy or being a parent prematurely.

Mr. Speaker, I was happy to join the gentlewoman from Connecticut (Mrs. JOHNSON) recently when the National Campaign to Prevent Teenage Pregnancy released their report. As the gentlewoman has already commented, that report emphasizes several things, both around parents and teenagers; and that teenagers really wanted to talk to their parents.

Sometimes parents thought teenagers wanted to talk to teenagers and were getting all the information from them. But they really thought they should get that information from the parents. Both parents and teenagers agree more often than one would think. Ninety-five percent of parents felt that abstinence was absolutely what should happen. Ninety-three percent of the teenagers thought, now one would not have thought that, but 93 percent of the teenagers themselves thought abstinence should be.

Both those same groups also felt that, but a lesser degree in terms of the parents, that, indeed, contraception should be a part of the story, and that they were not necessarily in conflict with each other; that abstinence should be emphasized; and, indeed, that contraception information about that should be a part of that as well.

Also, there was consensus about the role of the school. Both parents and teenagers felt that the primary role of the school was not necessarily to teach the values or the appropriateness, but there was a role for the schools, and that the school should be engaged in that process; that the primary responsibility should be the parent. If both parents and teenagers believe that, something must be missing in this game. It means that parents and teenagers are not talking to each other.

Now, many of the parents, as I said earlier, on one hand believe that contraception information and abstinence may give a dual message that may be in conflict. But the teenagers did not believe that. They did not see it. They felt that abstinence, indeed, the 93 percent believed it; but also a vast majority of those teenagers also felt the information about contraception was very, very important.

In fact, I personally believe that abstinence is the most important. But I also know that young people are very active sexually. So we must be engaged in providing the critical important information to teenagers so they can make the decision. I believe if we empower young people, they will make the difference.

Over the last several years, I have spoken out often and devoted a lot of time and energy to teen pregnancy prevention. My most meaningful efforts have involved a host of meetings and discussions with youth and community leaders where the focus has been on prevention and development activities in my congressional district. This week, I visited three different schools including a senior high school and two middle schools.

I am convinced that if we are to effectively reduce teenage childbearing, we must do more to raise the awareness level of this issue in our communities and actively engage our youth. Our youth have ideas, opinions and can provide leadership in our efforts to reduce teenage pregnancy.

Since the early 1990s, teen pregnancy and birth rates have steadily declined. As a nation, we deserve to be proud of the progress we have made. Yet, despite these impressive gains, 4 out of 10 girls in this country still get pregnant at least once by age 20—nearly 1 million adolescent pregnancies each year. Also, in eastern North Carolina, the rate has not gone down at the same time as the Nation, several counties in my district are among the highest in the State. In other words, we have a long way to go.

May is Teen Pregnancy Prevention Month. This is the most opportune time for all of us to redouble our efforts in convincing young people that adolescence must be a time for continued positive growth in the areas of education. It is the growing up and having fun stage for youth, not the time to dwell on pregnancy and parenthood. I was happy to recently help the private, nonprofit National Campaign to Prevent Teen Pregnancy release two new important reports (including a large nationally representative survey of adults and teens) that should provide comfort to parents and schools while challenging.

First, and perhaps most importantly, the survey released by the National Campaign clearly shows that the American public has a very common sense view of the teen pregnancy problem despite the often-extreme rhetoric that surrounds the issue. The overwhelming majority of adults and teens believe that teens should not be sexually active but those who are should have access to contraception. The survey also reveals, however, that the public does not view abstinence and contraceptive use as equally attractive options. A clear national consensus exists that school-age teens should not have sex—more than nine of ten adults (95 percent) and teens (93 percent) said it is important that teens be given a strong abstinence message from society.

The consensus position seems to recognize that the continued debate over abstinence versus contraception is counter-productive and misses the more critical issue of motivation. Teens will do neither unless they are highly motivated to avoid pregnancy in the first place.

Parents who feel that they have lost their children to the influence of peers and popular culture should note that teens say their parents influence their sexual decisionmaking more than any other source. Parents, on the other hand, believe that peers wield the greatest influence on these matters. This generational divide must be bridged. Parents need to know that their children really do want to hear from them about sex, love, and relationships, even if they don't always seem like it.

Schools are also clearly part of the solution to teen pregnancy. When asked where they have learned the most about preventing teen pregnancy, more teens said teachers and sex educators than other sources. Once again, however, both adults and teens take a common sense view of how much of the sex education burden schools should shoulder. Nine out of ten adults disagree that sex education is primarily the responsibility of schools and few adults or teens believe that schools are responsible for fixing the problem of teen pregnancy.

So what should be done? What do these findings and others from the National Campaign suggest? Here are some simple recommendations for continued progress in preventing teen pregnancy:

Abstinence should be strongly stressed as the best choice for teens because of its effectiveness and its consistency with the beliefs of adults and teens. But giving teens information about—and access to—contraception is still important.

Arguments over which strategy is better—sexual abstinence or contraceptive use—are recipes for stalemate. More of both are needed. In a diverse country, a number of difference approaches to preventing teen pregnancy is absolutely essential.

Parents can do much more to help. Kids want to hear from their parents about sex and values but often do not.

Effective programs to reduce teen pregnancy should be expanded, but it is unrealistic to assume that community programs alone will solve this problem.

The good news about declining rates of teen pregnancy and birth is that progress on this seemingly intractable social problem is possible.

I was delighted by the comments and suggestions made by youth during my recent visit to neighborhood schools. Youth are concerned about the lack of productive after school activities. Youth leaders would like to become more active in prevention activities with other youth, and would like to know that contraceptives are provided hassle free.

I believe that devoting more energy resources and funding to prevention teen pregnancy would not only improve the health, education, and economic opportunities of our Nation's youth, but it would save money in the long run.

We cannot overestimate the far-reaching effects of teen pregnancy. We must continue to pursue ways to develop pregnancy prevention programs that educate and support high-risk youth and their families through comprehensive social and health services.

Young people who believe that they have real futures to risk, have real incentives to delay parenting. That is why when we demand responsible behavior we have reciprocal obligation to offer a real future beyond early parenting and poverty.

I strongly support abstinence education and feel that abstinence programs are critically important for pre-teens as well as teens; we, however, cannot ignore the fact that so many of our teens are already sexually active. Therefore it is important that teens hear both messages, abstinence and contraception. Good, factual information is empowering to our youth, especially with guidance from their parents. I encourage each community to help determine how best to address this critical issue.

TRIBUTE TO GLADYS HARRINGTON

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I rise to pay tribute to what I consider a great American lady, a woman who has witnessed firsthand World War I, the Great Depression, World War II, the invention of television, the microwave, and the World Wide Web.

On May 29, Gladys Harrington, who is a real friend of mine, a true pillar of the Plano, Texas community, is celebrating her 100th birthday.

She has lived an abundant life. She moved to Plano in the early 1900s when 1,500 people lived there. Today, Plano is home to 230,000 plus and growing.

She married Fred Harrington in 1919 in Plano, Texas and gave birth to two sons, Joe Harrington and Conner Harrington. Conner Harrington actually ran for Congress against a Democrat icon, Sam Rayburn, who was a friend of mine as well. She is the proud grandma of four children, Connie, Cynthia, Mary Lou, and Freddy, as well as two great grandchildren, Sage and Emily.

It is obvious that she has touched the lives of those around her and blessed everyone with her passion for life and zest for service. As a member of the First Christian Church, she taught Sunday school, led the Christian Women Fellowship and served as a deaconess.

In addition, they helped found what is now the Gladys Harrington Library in Plano. What started as a one-room temporary facility has now blossomed into one of the leading libraries in the area.

Mr. Speaker, I may not even be standing here today were it not for the hard work and selfless dedication of my dear friend Gladys. I say that because Gladys helped me run my first campaign for Congress in 1991 and every time thereafter.

Every Republican knows that one cannot do anything Republican in Texas without Gladys Harrington. She has volunteered countless hours of her time and dollars to help the party rise to the best that it is today. Think about it. Every Statewide office in Texas is now Republican. The Texan in the White House is even a Republican, too; and Gladys helped him as well.

Gladys helped lay the essential groundwork for the grassroots efforts for this amazing fete. She has mobilized ground troops, attended conventions, paid her dues and then some.

In addition to giving her time to the Republican Party, she gives so much to those around her. In fact, she continues to go to a book club and to the Plano Chamber Orchestra. She keeps scrapbooking, detailing the many years behind her and saving room for more to come.

I think America needs more good people like Gladys Harrington. She is a great American in my view, and I am proud to know her. I just want to wish Gladys a happy birthday. Plano would not be the same without Gladys.

TEENAGE PREGNANCY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Indiana (Ms. CARSON) is recognized during morning hour debates for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I come to the floor of the House this afternoon because I care about our communities and our young people. I want to give an ovation to the honorable gentlewoman from North Carolina (Mrs. CLAYTON) to support this teenage pregnancy month and certainly to the gentlewoman from Connecticut (Mrs. JOHNSON), who had another engagement and had to leave, because it is imperative, I believe, to raise the awareness around the crisis of teenage pregnancy.

Nearly 1 million teenagers in this country become pregnant every year. One in four of these teenagers will have a second baby within years of the first child. In Indiana, from which I hail, if you will, we have 37,340 teenage girls who become pregnant every year. Just imagine, 37,340 teenage girls become pregnant every year. Eighty-eight out of every 1,000 girls age 15 to 19 become pregnant in Indiana every year.

When a teenager has a baby, it reduces her chances of completing high school. It reduces her chances of earning a decent wage. Her access to health care will decrease, which will contribute to poor nutritional health for her and her baby. In so many cases, because she cannot afford a baby-sitter, this young woman either loses her job for missing days to stay with a child or is forced to leave her baby in situations that are totally undesirable.

In addition, my recent bill, the Responsible Fatherhood Act seeks to address many of the fathers who are either unwilling or unable to be a source of support, both financially and emotionally, for their children. The effects of teenage pregnancy may also have negative effects on young fathers.

I would hasten to add, however, Mr. Speaker, that the majority of teenage girls who become pregnant have not had relationships with young boys. The babies are fathered by men who are not teenagers.

□ 1300

Some studies suggest, on the other hand, that teenage fathers obtain somewhat lower education levels, suffer from loss of earnings on the order of 10 to 15 percent annually, and are more likely to end up in prison. This too causes long-term consequences for society as a whole.

There are no easy answers to solving teenage pregnancy, and our approach must be comprehensive and multifaceted. I would like to acknowledge the successful efforts that have been made as a result of communities working through a variety of programs that coordinate parents, schools, communities, and religious organizations.

I would like to recognize the important work of the National Campaign to Prevent Teen Pregnancy. The organization does a tremendous job because it recognizes the broad consequences for society and the individuals directly involved when children continue to have children. We must empower and support the brave individuals all over the country who are working with programs at the grass-roots level to reduce teenage pregnancy. It is programs such as these that give our young people a fighting chance and an alternative to engaging in destructive behavior.

We believe that if young people have a strategy for the future and have hope about their career and have economic security, they are more likely to value the need to develop themselves, rather than getting involved in behavior that is self-destructive, including premature sex.

I would like to recognize an important bill introduced by my colleague, the gentleman from Nebraska (Mr. OSBORNE). This bill, the Mentoring for Success Act, will provide grants to expand mentoring through new programs and existing programs throughout the country, hopefully reaching around 200,000 young people.

As the gentleman from Nebraska mentioned, studies have shown that young people who are mentored will be 50 percent less likely to skip school, 50 percent less likely to begin using drugs, 36 percent less likely to lie to a parent, 30 percent less likely to commit a violent act of any kind, and certainly they are less likely to drop out of high school.

Mr. Speaker, let me add in closing that I stand here as a Member of the United States Congress and am the product of a teenage pregnancy. However, the amount of community support, religious support, and school support that I received as a young person has boded well in terms of my future. I hope that we can work together in Congress to pass important pieces of legislation and to offer the necessary resources to counteract this pandemic.

RECESS

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

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

□ 1400

AFTER RECESS

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

PRAYER

The Reverend Gene Arey, New Harvest Ministry, Waynesboro, Virginia, offered the following prayer:

Father God, we acknowledge You as the Ruler of all nations and we pray for peace and justice in our world.

We pray First Timothy 2:1–4, ''I exhort, therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks be made for all men; for kings; and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in the sight of God our Savior, who will have all men to be saved and to come unto the knowledge of the truth.''

Father, I pray for our President and the First Lady. Bless them this day and give them the wisdom to do all that is set before them.

I pray for these Representatives, to have the wisdom of God to accomplish all that is set before them to do. Bless them for their commitment to serve the people of our Nation and carry out their duties.

Father, in Jesus' Name I call this United States of America blessed in Jesus' Name.

God bless America. 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.

Mr. BALLENGER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BALLENGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. EVANS 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.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

WELCOME TO THE REVEREND GENE AREY

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure today to say a word about our guest Chaplain who is also my constituent.

The Reverend Gene Arey, who was born and raised in Waynesboro, Virginia, has served as copastor of Waynesboro's New Harvest Worship Center with his wife, Linda. The couple cofounded the church, located at 535 West Main Street, more than 7 years ago. Reverend and Mrs. Arey, who are active in foreign missions, recently returned from Romania, where they also serve as church leaders. Reverend Arey was ordained by Archbishop Silas Owiti of Kenya, Africa, and Dr. Decker Tapscott, pastor of Faith Christian Church in Warrenton, Virginia. Reverend Arey is joined in Washington today by his wife, his son Larry, daughter-in-law Kay, and granddaughter Olivia who live in Greenville, Virginia, also in my district.

ENERGY EFFICIENCY

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

Ms. McCOLLUM. Mr. Speaker, the President will be in St. Paul, Minnesota, on Thursday to unveil his vision for a national energy policy. Minnesotans understand the value of a balanced approach that needs to be part of an energy policy which embraces our environmental qualities. We must have clean fuels, renewable energy and improved energy efficiency and invest in alternative energy resources. The Vice President said conservation is a sign of personal virtue, but not a basis for policy. In Minnesota, conservation is common sense. It means saving energy and money by using our resources more efficiently. Improved energy standards for consumer products would eliminate the need for an additional 180 new power plants. Energy efficiency standards have already saved American consumers $50 billion this past decade. Minnesotans expect conservation to be an important part of any energy policy that balances today's energy needs with the needs of future generations.

H.R. 1 EXPANDS CHOICE FOR PARENTS

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

Mr. BALLENGER. Mr. Speaker, children should not be trapped in failing schools where they cannot possibly reach their fullest educational potential. That is why H.R. 1 includes a school choice program that enables parents to remove their children from schools that, as President Bush says, do not teach and will not change.

Before giving parents the option of sending their children to another school, H.R. 1 gives low-performing schools the chance to improve by offering them financial assistance to increase student achievement. If these schools do not make adequate progress after 2 years, parents will be able to send their children to another public school. After 3 years of chronic failure, disadvantaged students will be eligible for private school scholarships.

H.R. 1, it should be noted, aims to bolster failing public schools by giving them special financial help. But more funding cannot be the final remedy. There must be a safety valve that allows children to escape continually low-performing schools.

It goes without saying that we are all committed to improving the quality of our Nation's schools; but first and foremost, students themselves should be our most pressing concern. And it is our responsibility to empower parents to make the right decision for their children's future.

CALIFORNIA'S ELECTRICITY CRISIS

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

Mr. FILNER. Mr. Speaker, we now know what GOP means. It means gas, oil and petroleum. What is the administration's answer to the electricity crisis confronting the West and soon the rest of the Nation? Drill for oil in the Arctic National Wildlife Reserve, cut research into renewable energy research, cut conservation programs.

Mr. Speaker, that is not the answer for the western electricity crisis. We must conserve. We must move more into renewable sources. We must do more research. But most of all, we have to bring down the criminal prices that are being charged for wholesale electricity in California and the rest of the West. The Federal Energy Regulatory Commission, this Congress, this administration, must act now. It is the prices that are killing the California and western economy. It is the prices that are going to kill the rest of this Nation's economy. California is being bled dry by electricity wholesalers. We are being charged $2.5 billion a month for our electricity. This cannot stand. It is time for Congress, it is time for this administration to act. Let us get away from a gas, oil and petroleum policy for this administration.

INCREASED SPENDING JEOPARDIZES FUTURE OF SOCIAL SECURITY AND MEDICARE

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

Mr. SMITH of Michigan. Mr. Speaker, the so-called transition cost for Social Security, if we do nothing, if we make no changes, is $120 trillion over the next 75 years. If we start now by developing the kind of bridge that will bridge the gap between expected revenues and expenditures that is necessary to increase the returns over what Social Security will otherwise be able to pay, we can do it. The average return that is paid in in Social Security taxes is now estimated by the Social Security actuaries to be 1.7 percent return on that so-called investment, or those taxes. In a perfect congressional world, we would not have a tax cut, we would stop the dramatic increase in spending of this Congress that jeopardizes not only the economy but leaves our kids with a huge debt and jeopardizes the future of Social Security and Medicare. Let us hold the line on increased spending.

TIME TO INVESTIGATE THE FBI

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

Mr. TRAFICANT. What is the big surprise, Mr. Speaker, in the McVeigh case? The FBI has been hiding evidence for years. Think about it.

If you really believe that two Libyan mules blew up Pan Am 103, you are on Prozac.

If you really believe that the best FBI sharpshooter just happened to accidentally shoot Mrs. Weaver right between the eyes, you still believe in Mother Goose.

Congress, if you believe the Waco jury heard the whole truth from the FBI, you still believe in the Tooth Fairy.

And, Congress, if you still believe the propaganda about the assassination of JFK, by God, you still believe that Mae West is a virgin.

Beam me up. It is time for an investigation into FBI hiding and concealing exculpatory evidence on criminal defendants.

I yield back the FBI corruption from Boston, Massachusetts to Youngstown, Ohio.

MILITARY WEAR

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

Mr. HEFLEY. Mr. Speaker, I understand that some Members of Congress are working on legislation which will tell the United States Army what kind of headgear to wear. I believe this action is micromanagement at its worst and makes Congress the fashion police.

For those of us who have strong ties to the military community, this entire episode has been a whirlwind of emotions. Like most of my constituents, I too felt the issuance of a black beret, the modern-day symbol of excellence in the United States Armed Forces, to all soldiers was ill-advised. As I have related to senior Army officials and my constituents, this action is analogous to issuing a letter jacket to all high

school seniors regardless of whether they played ball or not. This problem has been worked out, however, by allowing the Rangers to wear a different color beret to distinguish their unique contribution.

Even though I believe the Army is spending too much money on berets, $30 million and climbing, and even though I have problems with where they are made, particularly in China, although that contract has been canceled, I believe Congress does not have the time or the charter to meddle with what the Army does or does not wear. If we can trust the chief of staff of the Army to command our young Americans in wartime, certainly we can trust him to determine what kind of uniform they will wear.

CONGRATULATING DENISE QUINONES AND TITO TRINIDAD

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

Mr. ACEVEDO-VILÁ. Mr. Speaker, I would like to congratulate two Puerto Ricans that in the past weekend made all of us very proud. I am talking about Denise Quinones, who won the Miss Universe contest held in Puerto Rico last Friday, and Felix ''Tito'' Trinidad who on Saturday added the middleweight championship to his already amazing resume.

Denise and Tito, as we call him down there, make us proud because they represent some of the best qualities of the Puerto Rican people. Denise is much more than a beautiful face. She is extremely bright, well educated, fully bilingual and ready to meet the challenges of the future. Denise is a true role model for our youth.

We also celebrate the triumph of our champion Felix ''Tito'' Trinidad who is the best pound-for-pound boxer in the world. Tito embodies the talent and discipline of Puerto Rican youth. His unbreakable will in the ring reflects the strength of the Puerto Rican people.

Today, Puerto Rico celebrates two real stars. Denise and Tito remind us that we can accomplish anything through dedication and perseverance. Felicidades a ambos. (Congratulations to both of you.)

SUSPENSION OF UNLAWFUL AND UNNECESSARY REGULATIONS

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

Mr. GIBBONS. Mr. Speaker, industries around this Nation continually are burdened by unfair and unnecessary regulations. However, last year the mining industry faced an additional and unnecessary burden, an unlawful regulation.

Previously, Congress called for the National Academy of Sciences to study and assess the effectiveness of the existing 3809 regulations that affect the mining industry. That study, authorized by Congress, concluded that the existing laws were effective in protecting the environment. Yet the Clinton administration last year promulgated new 3809 regulations in spite of the National Academy's findings and in direct violation of Federal law.

□ 1415

In fiscal year 2000, the Interior appropriations bill clearly prohibited the promulgation of any new 3809 rules except those ''which are not inconsistent with the National Academy of Science studies.''

Thankfully, President Bush realized the error of President Clinton's ways, and now we have only to roll back the unnecessary and unlawful 3809 regulations proposed by the previous administration, which do not protect the environment or the American people.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–70)

The SPEAKER pro tempore (Mr. GIBBONS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 15, 2001.*

CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–71)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 2001. The most recent notice continuing this emergency was published in the *Federal Register* on May 19, 2000.

As long as the Government of Burma continues is policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 15, 2001.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

EXPEDITING CONSTRUCTION OF WORLD WAR II MEMORIAL IN DISTRICT OF COLUMBIA

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1696) to expedite the construction of the World War II memorial in the District of Columbia.

The Clerk read as follows:

H.R. 1696

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

SECTION 1. EXPEDITED COMMENCEMENT BY AMERICAN BATTLE MONUMENTS COMMISSION OF CONSTRUCTION OF WORLD WAR II MEMORIAL.

Section 2113 of title 36, United States Code, as added by section 601(a) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1576), is amended by adding at the end the following new subsection:

''(i) CONGRESSIONAL DIRECTION TO COMMENCE CONSTRUCTION.—(1) The requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Commemorative Works Act (40 U.S.C. 1001 et seq.), and all other laws pertaining to the siting and design for the World War II memorial having been met, the Commission shall expeditiously proceed with the construction of the World War II memorial at the dedicated Rainbow Pool site in the District of Columbia.

''(2) The construction of the World War II memorial authorized by paragraph (1) shall be consistent with—

''(A) the final architectural submission made to the Commission of Fine Arts and the National Capital Planning Commission on June 30, 2000, as supplemented on November 2, 2000; and

''(B) such reasonable construction permit requirements as may be required by the Secretary of the Interior, acting through the National Park Service.

''(3) The decision to construct the World War II memorial at the dedicated Rainbow Pool site, decisions implementing this subsection, and decisions regarding the design for the World War II memorial are final and conclusive and shall not be subject to administrative or judicial review.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1696.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, 8 years ago this month, the original authorization for a memorial on the Mall honoring the World War II veterans was signed into law, and still construction has not yet begun. H.R. 1696 will be the sixth bipartisan piece of legislation Congress has sent to the White House for approval, attempting to move the process along.

Over the past 6 years, 22 public hearings have been held on the site and design of the memorial in compliance with the Commemorative Works Act. The memorial site and design have received the endorsements of the Historic Preservation Officer of the District of Columbia and four endorsements from the D.C. Historic Preservation Review Board. The Commission of Fine Arts and the National Capitol Planning Commission has each rendered approval for the memorial five times. This site was approved by both the Secretary of the Interior and the President. And still construction has not begun.

Two other very important things have also been happening since Congress first authorized this memorial. Through the leadership and hard work of former Senator Bob Dole and Academy Award winning actor Tom Hanks, the memorial fund has now raised over $170 million. There are no taxpayer funds involved in this memorial. Financial support has come in from half a million Americans, hundreds of corporations and foundations, dozens of civic, fraternal and professional organizations, 48 state legislatures, over 1,000 schools, and numerous veterans groups representing millions of veterans.

Unfortunately, something else has been happening since the memorial was authorized, Mr. Speaker. Millions of World War II veterans have gone to their eternal rest. According to VA statistics, 3 million World War II veterans have died since this memorial was authorized in 1993.

Once begun, construction of the memorial will take approximately 30 months. In that time, nearly 1 million additional World War II veterans will pass away. Each day of delay tragically adds 1,100 more. And still construction has not begun.

Why? Because a small group of opponents are desperately using litigation to challenge prior decisions and delay construction so they can drag the memorial back through a mind-numbing bureaucracy. The opponents are not satisfied by more than 20 public meetings over the past 6 years resulting in endorsements and approval of all agencies required by law. They wanted to go back to square one.

This is truly bureaucracy at its worst. It has literally taken twice as long to go from Congressional approval to construction of a World War II memorial than it did to fight and win World War II in the first place.

Once again, it is up to Congress to get the job done and save the memorial from what an article in the Washington Post called ''A bureaucratic form of double jeopardy.''

A New York Times article recently quoted the Chairman of the National Capital Planning Commission as favoring Congressional action to ''clarify the issue and moot the question by saying the Commission's actions were in fact valid.''

H.R. 1696 does exactly that. It states that the memorial has met all legal requirements and that construction should begin expeditiously. This legislation has the support of virtually every service organization in the country, and I strongly urge my colleagues to vote for the bill.

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

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

Mr. Speaker, I am pleased to be joining with the Chairman of the Committee on Armed Services and the former chairman of the Committee on Veterans' Affairs, my good friend, the gentleman from Arizona (Mr. STUMP). I am glad to have him back working on veterans' issues, if just for one day.

This measure, H.R. 1696, will expedite the construction of the new national World War II memorial in the District of Columbia. I commend my friend from Arizona for his leadership on this issue and am honored to manage this measure with him. The gentleman from Arizona (Mr. STUMP) is one of the heroes of World War II. Mr. Speaker, to the gentleman from Arizona (Mr. STUMP) and the other members of his generation, we all say thank you for your service and sacrifice; it is time to build a memorial to honor your actions.

Mr. Speaker, a national World War II memorial will honor all Americans who served in the Armed Forces during World War II, as well as the millions of other Americans who contributed in countless ways to the war effort.

Mr. Speaker, the time to construct this memorial is now. More than 50 years after the end of World War II, there does not exist in our Nation's Capital a fitting memorial to the service and sacrifices of millions of Americans who preserved democracy and defeated totalitarianism during World War II. The time to construct this memorial is now.

Mr. Speaker, in a longer statement I will submitting for the record at the end of my statement, I review the history of the World War II memorial. The memorial has been the subject of repeated reviews, hearings, public examinations and official actions. It is time to build this memorial now.

Mr. Speaker, the national World War II memorial will be located between the Washington Monument and the Lincoln Memorial. Some critics of the memorial argue the memorial would ''clutter up an already crowded site.'' A prominent memorial to honor those who served and sacrificed, this memorial is not ''clutter.'' The time to build this memorial is now.

I expect there will always be some opposition to this memorial by its scope, its location and design or by some individual group. Ironically, the right to oppose this amendment was defeated and preserved by those who fought for and defended this country in World War II.

Mr. Speaker, let us expedite the construction of the World War II Memorial, and construct it now.

Mr. Speaker, John Ruskin once said ''our duty is to preserve what the past has said for itself, and to say for ourselves what shall be true for the future.'' This statement is an appropriate guide for our deliberations today as we consider H.R. 1696, a bill that will expedite the construction of the National World War II Memorial in the District of Columbia.

In 1993, Congress passed legislation authorizing the creation of a National World War II Memorial in Washington, DC. President Clinton signed the legislation into law on May 25, 1993. The memorial is intended to honor all who served in the United States Armed Forces during World War II. It is also intended to honor the entire nation's contribution to the war effort. The future National World War II Memorial will be an integral part of the Washington, DC landscape. The memorial will not only appropriately honor and pay tribute to those who sacrificed so much, but will educate future generations to some of the costs of freedom.

Mr. Speaker, 14 years after Congress authorized the construction of this memorial, and six years from the first of 22 public hearings on its site and design, the memorial's construction remains delayed by a lawsuit filed by a small opposition group and a procedural issue involving the National Capital Planning Commission (NCPC), one of the agencies required by law to approve the memorial.

NCPC decisions of the past two years, including its approval of the National World War II Memorial, have been placed in question because the former NCPC chairman continued to

serve on the commission after the expiration of his term. The legislation that established the commission permitted the chairman to serve until replaced, but when the law was amended this language was inadvertently omitted. The NCPC has scheduled yet another public hearing on the memorial for June 14, 2001. Meanwhile, court action on the lawsuit is on hold pending resolution of this issue, which may take several more months to conclude.

Mr. Speaker, more than 16 million Americans served in uniform during World War II. More than 400,000 gave their lives, over 670,000 were wounded, and millions more supported the war effort on the front here at home. Of the 16 million who served, only five million remain alive today. World War II veterans, who saved democracy and served heroically, today are battling the diseases and disabilities of older age. Today, our World War II veterans are dying at a rate of 1,100 per day. With more than 400,000 veterans dying each year, every delay in memorial construction ensures that hundreds of thousands of World War II veterans will never witness the completion of this memorial. H.R. 1696 will expedite construction of the memorial and make it possible for many of our World War II veterans to be able to see the memorial with their own eyes.

H.R. 1696 would declare that the National World War II Memorial complies with the requirements of the National Environmental Policy Act of 1969, the Commemorative Works Act, and any other governing laws pertaining to the memorial's site and design. H.R. 1696 would direct expedited construction of the memorial, consistent with reasonable construction permit requirements of the Secretary of Interior and the National Park Service. In addition, H.R. 1696 would mandate that the decision to construct the memorial at the Rainbow Pool site and decisions regarding the design of the memorial are final and conclusive and shall not be subject to administrative or judicial review.

The Commemorative Works Act of 1986 governs the process of establishing memorials in Washington, DC. The Act gives the authority for final site and design approval to the Commission of Fine Arts, the NCPC, and the Secretary of the Interior. In total, eight sites were considered for the memorial. The final Rainbow Pool selection was the consensus choice as the only site commensurate with the significance of World War II in American and World history.

Since 1995, the memorial site and design have been the subject of 22 public meetings that resulted in the endorsement of hundreds of Members of Congress, an endorsement from the State Historic Preservation Officer of the District of Columbia, four endorsements from the District of Columbia's Historic Preservation Review Board, five approvals from the CFA, and five approvals from the NCPC.

In other words, the National World War II Memorial is the product of an open and democratic process, in full compliance with all applicable laws. The site and design were debated in the media and in 22 public meetings since 1995. No party has been denied the right to be heard, and critics have had full opportunity to state their positions.

On May 28th of this year, many of us will attend Memorial Day observances. We will with humility and thanks, pay sincere respect to those whose sacrifices and dedications have protected the ideals on which America was founded. In this spirit, I strongly urge my colleagues to support H.R. 1696. The time is overdue to begin construction on this meaningful tribute and symbolic monument that will immortalize the defining moment of our history forever.

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

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN), the chairman of our Committee on Resources.

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

Mr. HANSEN. Mr. Speaker, I rise today to support this bill, which will expedite the construction of the national World War II memorial at the Rainbow Pool site on the Mall. I commend the gentleman from Arizona (Chairman STUMP) for the action he has taken on this.

It has been nearly 60 years since the people of our great Nation were called upon to defend democracy from the tyranny threatening to engulf the world. The best of America's sons and daughters heeded the call, and with the Nation united behind them, they changed the course of history. Now as America's greatest generation is in their twilight years, it is time to erect a fitting memorial to them on America's Mall as a testament to their sacrifices and their triumphant victory.

The American Battle Monuments Commission has met the requirements of the National Environmental Policy Act, the Commemorative Works Acts, and all other laws dealing with the site and design of this memorial, yet the memorial remains mired in administrative procedure, which continues to delay the construction.

It is time to set aside the bureaucratic obstacles and do what is right. We owe nothing less to those who gave so much for their country and the world.

Mr. EVANS. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Speaker, every Member of this body is anxious to see a memorial to the women and men who secured our freedom with their personal sacrifices and their lives. We can assure a memorial on the present timetable or sooner without passing this radically destructive bill that will do irrevocable harm to the World War II memorial itself by eliminating indispensable oversight for the largest and most significant memorial on the Mall since the Lincoln Memorial was constructed almost 80 years ago.

We can keep a memorial on schedule without destroying the Commemorative Works Act, signed by Ronald Reagan 16 years ago specifically to assure oversight of all construction on the Mall.

Those of us who wanted the extraordinary vista between the Washington Monument and the Lincoln Memorial left unobstructed lost that battle several years ago. This bill responds to press reports that left the impression that the National Capital Planning Commission, the NCPC, would reconsider the entire World War II memorial project.

Both the NCPC and recent press reports have corrected this erroneous notion. The matter is before the NCPC again only because the Justice Department spotted a legal flaw that a holdover member had called the vote into question. That would have imperiled the memorial.

This bill is not only unnecessary, it throws out the baby with the bath water that has already been eliminated. The only overreaching left now is in this bill. It would leave a huge memorial to rise on the Mall, without any Federal law or agency with the power or the expertise to assure that the memorial builders meet their commitments and that the many problems that have been identified are caught and avoided.

Here are some of them: Assuring that contaminated groundwater would be pumped out continually and treated before continuing into the Potomac River and Chesapeake Bay inasmuch as the memorial is to be built below the groundwater table;

Protecting the structural integrity of the Washington Monument's wooden foundations as groundwater in its subsoil is pumped out;

Replacing the groundwater upon which the old growth trees that beautify the Mall depend;

Assuring that helicopters have a place to land without putting helicopter pads on the memorial, a National Park Service proposal which was recently stopped by the NCPC;

Accommodating tour buses off the Mall area;

Assuring that the vital 17th Street artery of the District used by Virginia and Maryland commuters and tourists alike near the Tidal Basin is not closed to traffic;

Ensuring oversight of the nighttime lighting plan still to be developed;

Ensuring oversight of the sculptural elements of the memorial and any inscriptions on the walls;

Ensuring compliance with what has already been approved.

This bill, which had no hearing and is informed by no meetings with relevant agency personnel promises serious unintended and counterproductive consequences that could be both embarrassing and disastrous for the memorial.

In the past, the Congress has always avoided the precedent this bill would set; using our power to tamper with the detailed oversight necessary to assure the integrity of the Federal presence.

Vote no. The NCPC has already gotten the message.

□ 1430

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I first want to thank the gentleman from Arizona (Mr. STUMP), who has been a real leader in this effort; and I appreciate what he has done.

I just want to say a couple of things. I cannot get into the architectural or the engineering problems here. I remember in 1939, I am old enough to remember that, that they had the same arguments as far as the Jefferson Memorial. It would be ruining the tidal basin and everything like that. I do not believe that for a minute, and it has not proved to be so.

I enlisted in the United States Marine Corps in May of 1944. I was proud of that. There are an awful lot of us who are still around, a dwindling number, who want to see something. We have the Vietnam Memorial, we have the Korean Memorial, but we do not a World War II memorial.

Frankly, there are hundreds of thousands of people who believe this and who have contributed: fraternal organizations, foundations, corporations. I have a VFW post, number 524, in my little town of Corning, which is about 12,500 people, which has raised more money than any other small VFW post in the whole country. They really believe in this. There are people out there, not intellectualizing about this, but who have a piece of their skin in this issue. They want to have something done. I would like to have something done, and I would like to have something done before I die.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the Stump legislation to construct the World War II memorial exactly where it should be, as a memorial to the victory of liberty over tyranny in the 20th century, between the Washington Monument and the Lincoln Memorial, exactly where it should be placed, so that freedom from the 18th, the 19th, and 20th centuries will be celebrated along our avenue of democracy. It has now taken longer to approve this memorial, three times longer, actually, than it did to fight the war.

It is time for America to say ''thank you'' to our greatest generation, and to make it more than words. The public has a new-found fascination with the World War II generation, thanks to Tom Brokaw's book, movies such as ''Saving Private Ryan,'' and other commemorations of our Nation's finest hour.

Outside the beltway, more than half a million Americans have responded to a national fund-raising appeal by contributing more than $150 million to the World War II Memorial project. In fact, just this past week, in my district, I returned to accept a check from schoolchildren, 7th and 8th graders at Anthony Wayne, Jr. School for $2,154 to contribute to the memorial's construction. Young people, the children, grandchildren, and great grandchildren who have been given the freedom we have today are contributing across this country. We owe them and their predecessors the kind of thanks that a grateful Nation expresses. Unfortunately, this project has been snarled in a new round of political tussling and legal wrangling inside this beltway.

I do not question the motives of the memorial's opponents, but it is time to move forward. There have been 22 public hearings by organizations like the National Capital Planning Commission, the Fine Arts Commission approving the construction of this memorial. The money has been raised and it is on deposit. All the respective legislation has been passed. Both Chambers of this Congress have said yes, yes, yes. Over 8 years, we have said yes. The ground has been dedicated. It is time to move forward with construction of the World War II memorial at the Rainbow Pool site. I say that not just as a Member of Congress, but as a city planner that helped take a look at the site, that has worked with the architects to make sure that the design was appropriate, blocking no views; and all public input has made this a better design than we began with originally.

Of the 16 million veterans who served during World War II, approximately 5 million still survive. Every day, approximately 1,100 World War II veterans pass away, never to see the memorial in Washington that will stand as testimony to what they did for us, with the heroism and the self-sacrifice that have given us a new generation of children of freedom.

It is time, Mr. Speaker, to move forward with construction of the World War II memorial. The time for delay is over. We not only honor our World War II veterans during this Armed Services Week in doing so, but we also say, we understand the cause for which they fought and it deserves recognition on the central part of our mall, complementing what we have done for the 18th century, the 19th century, and finally, the 20th century.

Support the Stump bill, H.R. 1696.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

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

I would like to say that myself and the other two Members that have spoken on this side of the aisle all joined World War II when we were 17 years old. My wife and I have read on a daily basis the number of World War II veterans that are dying at the rate of 1,000 a day; and those that do not believe that, just look at the obituary columns in the newspaper.

Let me cite some of the reasons people give for not building this wonderful building. Critics claim that the memorial was approved behind closed doors by a small group of individuals without regard to the law. That is not true.

Critics claim that the memorial would desecrate grounds made sacred by the civil rights movement and would greatly impede and prevent future public gatherings and marches in the vicinity of Washington and Lincoln. That is not true.

Critics claim that the memorial will block the mall's open space between the Washington Monument and the Lincoln Memorial, inhibiting pedestrians from walking through this part of the mall. That is not true. The design allows open flow of visitors between the Washington Monument and the Lincoln Memorial.

Critics claim that the memorial would destroy the historic Rainbow Pool. That is not true. The Rainbow Pool will be lowered and rebuilt in its historic configuration. The pool's waterworks, which have not functioned for decades, will be restored to their original splendor. The Rainbow Pool will earn greater historic significance as the centerpiece of the only memorial to a 20th century event commemorated on the main axis of the mall.

Critics claim that the design echoes the Nazi Fascist architectural language of triumph and public spectacle. That is not true.

Critics claim that the World War II memorial is being built on ground that is part of the Lincoln Memorial, and that is not true.

I say to my colleagues, there are millions of reasons why this should be done, but every day there are fewer and fewer of us around that really can deliver the purpose that these people died for. I would like to say we have waited long enough. It is time that we pass this bill. Let us vote for it.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

I, first of all, want to rise in strong support of H.R. 1696, which would expedite the construction of the World War II memorial in Washington, D.C. I certainly want to thank the gentleman from Arizona (Mr. STUMP), for his leadership in bringing this very important resolution to the floor today. I would also like to recognize the other World War II veterans who are still in the House of Representatives, including the gentleman from Arizona (Mr. STUMP), who did spend some time in Guam during World War II, and especially the gentleman from New York (Mr. GILMAN), who also spent a significant amount of time in Guam during World War II.

The generation of Americans that fought and sacrificed during World War II deserve proper meaningful, and immediate recognition. A national monument should memorialize the spirit and the sacrifice and the unit of the American people in what was a chaotic and challenging time in world history; and after several years of planning, organization, massive public input, and creative efforts by various groups, this

resolution seeks to make this monument a reality.

Time is against us, as has been already pointed out, as the veterans of World War II are dying at a rate that exceeds 1,000 every day; and if we do not act now, we may miss the opportunity to finally ensure proper remembrance for those who made the ultimate sacrifice for our Nation and indeed preserved the Nation. It is one of the great monuments, when we look at what has happened on the mall, where we have the Washington Monument, which in a sense honors the founding of this Nation; and we look at the Lincoln Memorial, which preserves the national division from within.

We have in this memorial testimony to preserving the Nation in the face of challenges from abroad. So it is entirely fitting and proper that as we go through the sequence of American history, we take the time to honor those important events which this Nation experienced and in which this Nation thrived.

The World War II memorial will be discussed mostly in the sense of what happened during the battles of World War II, and I hope to make my own contribution to that. But we should always be mindful as well that World War II represented the maturation of our country as a world power, which has continued to the present. It is more than simply the battles of World War II; it has really shaped and reshaped the destiny of not only our Nation and the years subsequent to it, but indeed the entire world.

My own part in this memorial was to try to bring recognition to the people of Guam who experienced a terrible occupation during World War II as the only American territory with civilians still present who experienced occupation during World War II, and the Chamorros, who were American nationals at the time, remained steadfastly loyal to the United States, and this resistance to conquest only exacerbated the brutality which they experienced. So for the people of Guam, this has a very special significance as well.

One of the immediate challenges that we faced in trying to deal with the memorial was that there were an anticipated 50 pillars, each loosely reflecting each one of the 50 States. And one of the lessons that we tried to work with as the memorial underwent some rethinking and underwent public input was to finally expand the number to 56 so that indeed all States and territories would be included in the commemoration of World War II. I believe that the people of Guam are not only grateful, but deserve this recognition and attention. The people of Guam not only suffered the indignities of a Japanese occupation. Hundreds were executed and many, many more died as a result of the battle, as a result of deprivation, as a result of hunger.

One of the biggest holidays in Guam, even today, is July 21, which commemorates the landing of the U.S. Marines on July 21, 1944, which commemorates and celebrates the arrival of their fellow Americans to free the island from the hands of the Japanese and, more importantly, to cement a very strong relationship which exists to this day.

So this is a monument in which it is in the right place. I can think of no better place for it to be. Because when one comes to the Nation's capital, the whole Nation's history should be before us; and it would be a great testimony to the World War II generation.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

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

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

Mr. Speaker, I am pleased to rise today in strong support of this measure, H.R. 1696, a bill expediting the construction of the national World War II memorial here in our Nation's capital, and I urge my colleagues to join in lending their support to this legislation. I commend the gentleman from Arizona (Mr. STUMP), the distinguished chairman of our Committee on Armed Services, who is to be commended for his long-term diligent efforts to bring this measure to fruition.

This legislation states that the requirements of the National Environmental Policy Act of 1969, NEPA, the Commemorative Works Act, and any other laws pertaining to the citing and design of the memorial, have been fully met.

□ 1445

This measure allows the American Battle Monuments Commission to proceed expeditiously with construction of this long overdue veterans memorial to our World War II veterans at the dedicated Rainbow Pool site.

Moreover, the measure mandates that the decision to construct this memorial at the Rainbow Pool site and decisions regarding the design of the memorial are final and conclusive and should not be subject to any further administrative or judicial review.

Mr. Speaker, despite being authorized by Congress 8 years ago and having broken ground last year, which I was pleased to participate in, the construction of the World War II memorial has been delayed indefinitely. The decisions on location of the memorial and on its design were the subject of an open and dedicated process that included 22 public hearings over the past 5 years.

Despite these extensive reviews, there remains a small but vocal opposition that is prepared to block construction of the memorial on the Mall at all costs. The majority rule and the democratic process apparently means nothing to many of those opposed to the memorial, some of whom have succeeded in blocking construction with a pending lawsuit and a minor procedural issue.

The problem, Mr. Speaker, is that these petty delays will deprive hundreds of thousands of World War II veterans of the opportunity to ever review or visit the memorial. Only 5 million of the 16 million veterans who served in the Second World War remain with us, and we lose, as it has been indicated earlier today, 1,100 World War II veterans each and every day.

As a World War II veteran, I take offense at this small-minded opposition who want to block construction at all costs. What they forget is that it was the contributions of those who fought in World War II that permits them to freely voice their obstructionist views.

In closing, Mr. Speaker, let me say that the opposition has had ample time to speak. When subjected to a democratic vote, the location and design of the memorial was approved. It is now over time, long overdue to move forward with the construction of this important memorial for our World War II veterans.

Accordingly, I urge my colleagues to support this measure.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

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

Mr. Speaker, we have all been here this afternoon talking about honoring our World War II veterans, the greatest generation. We have all talked about how long it has taken to honor these veterans, how many have died, even in the planning process.

Mr. Speaker, there is one group of veterans of World War II that has waited 55 years to be honored. This Congress can proceed to do so. The previous speaker, the gentleman from New York (Mr. GILMAN), and I have introduced legislation called the ''Filipino Veterans Equity Act.''

In 1941, this country drafted all of the regular and irregular forces of the Philippine army and guerilla units. They fought in World War II. They fought in World War II. They held up the advance of the Japanese army. They surrendered with our forces at Bataan, suffered through the Bataan Death March, bravely defended our last forces at Corregidor. They stopped the Japanese timetable for many, many months, allowed us to regroup, and allowed MacArthur time eventually to return and take back the Philippines.

Yet, in 1946 this country, this Congress in 1946, decided to take away all the veterans' benefits that were promised to these brave heroes of World War II. It has been 55 years since that action was taken. It is time to restore the honor and dignity of the Filipino veterans. It is time to give them back the honor and the benefits that we promised but just took away.

We talk today about honoring our World War II heroes. We talk today about the freedom that they have given us and our Nation. As we talk about

the heroes that we are going to commemorate on the Mall, let us not forget the Filipinos who were drafted into our Armed Forces, fought, and died for this country's freedom, and had this Congress take away their benefits in 1946.

Let the 107th Congress truly honor our veterans, restore their benefits, and pass the legislation, the Filipino Veterans Equity Act of 2001.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

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

I rise in very strong support of H.R. 1696. If ever there was a memorial that should be built, this is it. Quite simply, Mr. Speaker, there is no memorial more befitting than to honor our World War II veterans and the tens of millions of people who were affected by World War II.

In fact, we in Congress agreed to honor the men and women of World War II when we passed and the President signed the act to authorize the construction of the memorial. Yet, here we are, 8 years later, with nothing to show for it. The only reason we have nothing to show is that the memorial construction has been stonewalled time and again by lawsuits and litigation by a small group of Washingtonians who do not want any additional memorials on the Mall, not even one to acknowledge what is arguably the most important event of the 20th century.

The sad fact is, Mr. Speaker, that in the meantime, over the 8 years, almost 3.4 million World War II veterans have died. With each passing day, over 1,000 more veterans die, men and women who deserve this memorial who will never see it. As this process drags on, we lose 30,000 more each month and 400,000 a year. We simply have to get construction started and completed on this memorial.

I want to add that this bill is not something we are trying to ramrod through at the last minute; quite to the contrary. There have been 22 public hearings, five approvals from the Commission on Fine Arts, and five approvals from the National Capital Planning Commission. There has been overwhelming national support, and over $170 million has been raised or pledged by over half a million citizens, hundreds of corporations, 1,100 schools, and hundreds of veterans groups.

Mr. Speaker, all the requirements of both the National Environmental Policy Act and the Commemorative Works Act have been met. All of the approvals have been made. The site has been established and is in the proper, rightful, and fitting place. We must end the delays and get on with the construction of the memorial, which pays homage to the brave men and women who fought for our country and sacrificed their lives to keep this country and the world free.

Mr. Speaker, I am ashamed at the delay that has taken place. I strongly urge passage of H.R. 1696 so we can finally bring the stonewalling to an end and ensure that this deserving memorial will be constructed.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the chairman of our Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, as chairman of the Committee on Veterans Affairs, I rise in very strong support of H.R. 1696, a bill to expedite the construction of the World War II memorial on the Washington Mall between the Washington Monument and the Lincoln Memorial. This artist's rendition to my left shows the dignity and grace that this memorial will provide and in true memory of those men and women who served so ably and so courageously on behalf of our country.

Mr. Speaker, as we know, the design and site for the memorial have been carefully studied. My good friend just a moment ago spoke to the number of hearings. This has been an exhaustive process. It has been approved over a period of some 6 years, a longer time than it took to win World War II.

The Allied victory in this greatest war in world history represented the triumph of the human spirit and began the march of freedom and democracy across the world that continues even today.

More than half a century has passed, Mr. Speaker, but America's World War II veterans still have no national memorial to honor them. They have been called the greatest generation; and even recently, popular movies like Saving Private Ryan and the Thin Red Line have served to remind us of their incredible bravery and sacrifices. Yet, they have no memorial, and their generation is passing away at the rate of over 1,100 people per day. How much longer can they wait?

Eight years ago, Congress passed the authorization for the World War II memorial. Today we have a site selected and a design approved through an exhaustive process that ensured careful consideration of all the relevant factors before the decisions were made.

Unfortunately, no process can ensure unanimity. A litigious few are now attempting to block both the site selection and design in the courts on legal technicalities. Oh, yes, they too support a memorial. They just cannot agree on when or where or in what form, and they have no concern about how long that process might take.

Mr. Speaker, despite a full and fair opportunity to have their opinions heard, they argue that the process was not perfect. The truth is, they do not like the result so their strategy is endless reconsideration and delay. They apparently do not care whether World War II veterans live to see their own memorial or not. The irony is that they live in a free society, exercising rights secured by the blood of our World War II veterans and other veterans.

I frankly think this situation we find ourselves in today is unconscionable. I would like to commend my good friend and colleague, the gentleman from Arizona (Mr. STUMP), now chairman of the Committee on Armed Services, himself a World War II combat veteran, for leading the way on this legislation. There is nobody more able and more qualified in this Chamber to be offering this resolution than my good friend, the gentleman from Arizona. I want to associate myself with his remarks, and note that he is a former chairman, chairman emeritus, of the Committee on Veterans' Affairs.

Mr. Speaker, like many in this Chamber and many who may be viewing these proceedings, I regret that my own father, a combat veteran who saw horrific action in New Guinea during World War II and elsewhere in the Pacific, including the Philippines, never got to see this memorial, having passed away a few years ago. He, like those 1,100 who die every day, will never see this memorial. Again, like I said a moment ago, that is unconscionable.

Mr. Speaker, if we look at the cosponsors, this is a bipartisan effort to try to get this very important memorial moving. I think it shows that there will be and I hope should be broad support across the spectrum for this.

Let me just finally say that delay is denial. Again, 1,100 veterans die every day, 1,100 of the greatest generation. If we delay this another day, it is denial for them to see what this country has said in gratitude. It is a small token, but nevertheless it is an important token. I hope that everyone unanimously supports this important resolution. I salute the gentleman from Arizona.

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

Mr. Speaker, in closing, I want to thank all my good friends who have spoken in favor of this resolution today. I want to thank the gentleman from New Jersey (Mr. SMITH), as chairman of the Committee on Veterans Affairs, and his ranking member, the gentleman from Illinois (Mr. EVANS), for all their help and support; along with the gentleman from Utah (Mr. HANSEN), chairman of the Committee on the Interior, which has jurisdiction over the Mall, and his ranking member, the gentleman from West Virginia (Mr. RAHALL), as well as the leadership for allowing us to move expeditiously on this.

In closing, let me say, let us not get into another bureaucratic wrangling and delay any further. The number of 1,100 World War II veterans has been mentioned here that are dying every day. Translate that into the time we have been on this floor. We have been on the floor approximately 1 hour. We

have debated this bill for about 50 minutes. Sadly to say, Mr. Speaker, in that time, another 45 World War II veterans have passed away.

Mr. BUYER. Mr. Speaker, I rise in strong support of H.R. 1696.

This bill would expedite the construction of the already-approved World War II Memorial on the Mall in Washington, DC.

In short, World War II veterans have waited long enough. When the long dark shadows of aggression appeared and threatened to cloak liberty, it was the World War II veterans that ensured liberty, freedom and the rule of law. It is time that all Americans express the gratitude and admiration that our nation's World War II veterans rightly deserve.

Our World War II veterans are truly special. While many have served this great nation in varying capacities, it is the World War II generation that ultimately changed the course of history.

In return, this Congress must ensure the United States government remains steadfast in its commitment to provide World War II veterans and their families a memorial that they so richly deserve. We must act now.

Ms. LOFGREN. Mr. Speaker, I rise today in strong support of H.R. 1696, legislation to fast-track the Construction of the World War II Memorial in Washington, D.C. This bill is necessary because it takes into account the crucial element of time; time that is running out for many veterans. Every day, we lose more than 1,000 World War II veterans. Today, less than 6 million remain alive.

The intent of the World War II Memorial is to honor the 16 million Americans who served in uniform during the war, the more than 400,000 who gave their lives, and the millions who supported the war effort on the homefront. World War II was a point of transition in American history, a point at which America's adolescence ended and a mature American mission emerged. This mission, as defined by President Franklin Roosevelt's Four Freedoms, was a call to all Americans to work to end tyranny and poverty wherever it is found.

World War II also marked a time of rapid advancement for America. In order to meet the materiel needs of the worldwide war effort, America's factories manufactured goods at an astronomical rate. To sustain this level of production while so many American men were putting on uniforms and going off to war, women entered the workforce in mass numbers for the first time. This forever changed the face of American industry, while also changing the way many women saw themselves and their role in American society.

The benefits provided to returning veterans, including financial assistance for education and home purchases, allowed many Americans to attain a level of freedom and independence that was not even imagined before the war. The Montgomery GI Bill provided countless veterans with a college education. In many cases, these veterans were the first in their family to go to college.

Above all, World War II was the moment in history when the United States helped save the world from fascism and tyranny. And, as Senator Bob Dole said, ''It is time to thank the World War II veterans for doing what they believed was their duty—to help their country save the world. We must build a monument to bear them witness. Witness to young men who, armed with courage, liberated whole continents from tyranny. Witness to young soldiers who willingly died for a future they would never see.''

As a testament to the urgency of this matter, I read in today's Washington Post, the obituary of Barbara Lazarsky. During World War II, Ms. Lazarsky served in the Women's Air Force Service Pilots. She contributed to the war effort by ferrying planes across the Unites States so that men were free for combat overseas. When the WASP program was disbanded after the war, Ms. Lazarsky became an aircraft accident analyst for the Air Transport Command. In 1947, she became a military and air attaché in India. Her recent death demonstrates the necessity of expediting the construction of the World War II Memorial.

This World War II Memorial honors those who served, and those who gave the ''last full measure of devotion,'' while also commemorating the indelible mark left on American society. It is time to create a lasting monument to the legacy of those who gave so much and asked for so little. While we may disagree on the style and form of the memorial, we all agree on the moral imperative to honor those who served their country in its hour of need. I urge my colleagues to support H.R. 1696.

Mr. BLUMENAUER. Mr. Speaker, I rise in opposition to H.R. 1696, legislation that would expedite building the World War II Memorial at the expense of protecting our National Mall. I inadvertently voted in support of this legislation earlier today. While I believe it is important to recognize the important contributions and sacrifices that our fighting men and women made during this turning event in world history, I do not support legislation that would do irrevocable harm to the World War II Memorial itself and to the national mall. If any precious national treasure deserves protection by Congress, it is the National Mall. H.R. 1696 would eliminate indispensable oversight for the largest and most significant memorial on the Mall since the Lincoln Memorial was constructed almost 80 years ago.

I oppose this legislation because not only is it unnecessary, but its provisions could seriously compromise the water quality and surrounding cultural and historical landmarks of the city. Congress should not promote legislation that would eliminate or reduce oversight on already agreed to provisions that the City and National Planning Commission have developed. Such critical provisions not addressed by this bill include not allowing contaiminated groundwater to be pumped into the Potomac River and Chesapeake Bay, ensuring the structural integrity of the Washington Monument, and providing tourists with the ability to appreciate this Memorial and the Mall without suffering severe traffic congestion.

Congress should let the National Planning Commission deal with building the Memorial in a more appropriate manner, one that is already underway and which befits the important legacy that this Memorial is designed to honor.

Mrs. McCARTHY of New York. Mr. Speaker, It is essential that future generations always remember the sacrifices for freedom made by the World War II generation. A tribute to the men and women who helped win that war, both overseas and on the home front is long overdue. It's for this reason that I'm working to expedite construction of the memorial and why I will vote with my colleagues in the U.S. House of Representatives to pass legislation that directs work on the World War II Memorial begin as soon as possible.

The construction of the country's first national memorial dedicated to all who served in the armed forces and Merchant Marine of the United States during World War II on the National Mall is a fitting tribute to their courage. I am disappointed by the efforts of those to delay construction of the World War II Memorial, but the real victims of the indefinite delay are the members of that generation, who now must wait even longer for it to be completed. It is a harsh reality, but of the 16 million who served in uniform during the war, it is estimated that only 5 million are still alive, and of whom, we lose 1,100 each day.

Throughout a lengthy, open and democratic approval process, the American people have expressed their overwhelming support for the construction of the National WWII Memorial on our nation's mall. Hundreds of thousands of individual Americans, hundreds of corporations and foundations; dozens of civic, fraternal and professional organizations; state legislatures, and veterans organizations have joined the effort to say thank you to America's WWII generation.

Each year, millions of visitors come to the nation's capital to appreciate its monuments to our country's founding fathers, great presidents, and places of government. Home to our nation's cherished symbols of freedom, the memorial will beautifully complement the green vistas of the Mall and its existing monuments. They story of the World War II generation is an inspiration for us all. Once completed, this memorial will be a visible and timeless reminder of what they did to protect freedom and democracy.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 1696.

The question was taken.

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

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1500

COMMEMORATING DEDICATION AND SACRIFICES OF LAW ENFORCEMENT OFFICERS

Mr. OTTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 116) commemorating the dedication and sacrifices of the men and women of the United States who were killed or disabled while serving as law enforcement officers, as amended.

The Clerk read as follows:

H. RES. 116

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 law enforcement officers, both men and women, at great risk to their personal safety, serve their fellow citizens as guardians of peace;

Whereas these peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 151 peace officers lost their lives in the line of duty in 2000, and a total of nearly 15,000 men and women serving as peace officers have made that supreme sacrifice;

Whereas every year, 1 in 9 peace officers is assaulted, 1 in 25 is injured, and 1 in 4,400 is killed in the line of duty; and

Whereas on May 15, 2001, more than 15,000 peace officers are expected to gather in the Nation's Capital to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) all peace officers slain in the line of duty should be honored and recognized; and

(2) the President should issue a proclamation calling upon the people of the United States to honor and recognize such officers with appropriate ceremonies and respect.

The SPEAKER pro tempore (Mr. BARR of Georgia). Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

GENERAL LEAVE

Mr. OTTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 116, as amended.

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

There was no objection.

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

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

Mr. OTTER. Mr. Speaker, I am pleased to have the House consider H. Res. 116, legislation introduced by the gentleman from Colorado (Mr. HEFLEY), my colleague.

This rule commemorates the dedication and the sacrifice of the men and women of the United States who were killed or disabled while serving as law enforcement officers. By adopting H. Res. 116, the House will express its belief that all peace officers slain in the line of duty should be honored and recognized.

Further, Mr. Speaker, this resolution urges the President of the United States to issue a proclamation calling on all Americans to honor and recognize such officers with appropriate ceremonies and respect.

Mr. Speaker, every day more than 700,000 law enforcement officers risk their lives and their safety to protect us. They patrol our most dangerous streets, and they deal with the most violent elements of our society. Increasingly, law enforcement officers are also called upon to preserve the right of our children to receive an education. They then pay a high price to defend all of our liberties.

As the resolution states, Mr. Speaker, 1 in 9 peace officers are assaulted every year; 1 in 25 are injured; and, even more sadly, 1 in 4,400 are killed in the line of duty.

In my own great State of Idaho, Mr. Speaker, we have lost 56 brave men and women in uniform who were protecting our families and our friends and our neighbors.

These, all of them, are heroes and they have put their lives at risk, put their families in danger, and have done something remarkable that we do not see too often today: They put society's safety ahead of their own.

Mr. Speaker, on June 17, 1988, Officer Linda Huff, an Idaho State Police Officer, was shot in the parking lot of her patrol station while walking to her car. The assailant fired 17 rounds from a high-powered hand weapon at point-blank range. She was able to return fire and injured her assailant before dying.

The injuries Trooper Huff inflicted on her assailant led to his eventual arrest. More recently, on January 3 of 2001, two more peacekeeping Idahoans lost their lives while serving a search warrant. Corporals Anderson and Moulson were both wearing bulletproof vests when they were met with gunfire from the suspect inside the home. Sadly, not only are these men and women protecting us; in that process, they have become targets themselves by the criminals.

Over 15,000 officers gather at our Nation's Capitol today to join with the families of these recently fallen comrades and recognize the supreme sacrifice that so many others have made in giving their last full measure.

The courage and sacrifice displayed by our law enforcement officers is being honored by Congress through the establishment of the National Law Enforcement Museum. This museum will ensure the stories of heroism and sacrifice of these police officers are always remembered.

Mr. Speaker, I encourage all Members to support this resolution to offer their votes, first, in appreciation to the fallen heroes, and, second, as a vote of confidence for those who still today serve.

This House should make plain its appreciation for the critical and often unappreciated sacrifices these men and women make in preserving the peace.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the gentleman from Colorado (Mr. HEFLEY) for introducing this resolution honoring our law enforcement personnel.

Mr. Speaker, the first recorded law enforcement fatality in the performance of duty in this country occurred on May 17, 1792. The officer, Isaac Smith, a sheriff's deputy in New York City, was shot to death while attempting to make an arrest.

Since that time, more than 15,000 other officers have been killed in the line of duty, and today roughly 740,000 officers continue to put their lives on the line for the safety and protection of others.

May 15 is Peace Officers Memorial Day, and it is fitting that this resolution, honoring the men and women of this country who were killed or disabled while serving as law enforcement officers, be brought before this body today.

According to the National Crime Victimization Survey conducted by the Bureau of Justice Statistics in 1997, there were 31.3 million crimes committed in the United States, an average of one crime every second. That is how often law enforcement officers put their lives on the line; every second of every hour they are on duty protecting the American people. And so it is for this reason that in 1984, Congress authorized the National Law Enforcement Officers Memorial.

The memorial honors Federal, State and local law enforcement officers who have died in the line of duty and recognizes the service and sacrifice of all officers.

Completed and dedicated in 1991, the memorial, which is located here in Washington, D.C., has the names of more than 15,000 officers who have been killed in the line of duty inscribed on its blue-gray marble walls.

The names of seven fallen officers from Illinois were added to the memorial this past Sunday. Of those, Roy Costello, John Kearney, and Alane Stoffregen were from the Chicago Police Department.

Their watch over the city ended at various times: Mr. Costello in 1945; Mr. Kearney in 1909; and Ms. Stoffregen last year. But they served one common purpose: to keep the district that I represent safe.

Mr. Speaker, I salute them and those that serve today for their dedication and commitment.

Since 1854, a total of 417 Chicago police officers have lost their lives while serving our communities. For 40 years, the Chicago Police have held the St. Jude parade to honor fallen police officers of the previous year. More than 8,000 participants, including law enforcement officers and employees, marched the streets of Chicago.

This year's march honored 30 fallen officers, including the last officer killed in action, James Camp, who was shot while investigating a car theft.

Soon a museum will be built near the memorial to tell the story of law enforcement's proud history and to serve

as a research repository to promote law enforcement safety.

The memorial, the future museum, and this resolution will ensure that the heroism and sacrifice law enforcement officials make every day will be remembered and revered, so I would urge all Members to give support to this resolution.

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

Mr. OTTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from Idaho (Mr. OTTER) for yielding the time to me.

Mr. Speaker, law enforcement officials from around the country have come in these last few days and today to Washington, D.C. to commemorate and honor fellow peace officers slain in the line of duty.

The National Peace Officers Memorial Day serves as a solemn reminder of the sacrifice and commitment to safety that police officers make on our behalf. The National Peace Officer Memorial Resolution, H.R. 116, which is cosponsored by 81 of my colleagues, expresses the gratitude of the House of Representatives for the work that these officers perform.

Law enforcement officers face unprecedented risks while protecting our communities and our freedoms. Today over 700,000 men and women place their lives at risk to serve as protectors of law and order.

Throughout U.S. history, more than 15,000 men and women serving as peace officers have sacrificed their life for their Nation and community. In the year 2000 alone, 151 Federal, State and local law enforcers gave their lives in the line of duty. To date, 54 have died in 2001; 3 of these 54 come from my home State of Colorado.

Law enforcement officers face enormous risks while protecting our neighborhoods, our families, our freedoms; yet there is often an attitude of indifference. Every community has been impacted by the work of officers, yet most citizens have little direct contact with peace officers. Therefore, the sacrifices of these brave Americans go unnoticed and often underappreciated.

Mr. Speaker, without the service of peace officers, our society is left unprotected. Law enforcement officers deserve to be recognized and honored for their work, their dedication, their sacrifice, and, yes, Mr. Speaker, their bravery in defense of our society.

I hope my colleagues will join me in expressing our appreciation to all peace officers and paying tribute to those slain in the line of duty and to their surviving families by supporting H. Res. 116.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), one who knows exactly what it means and what it is like to be a law enforcement official himself.

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding the time to me.

Mr. Speaker, I rise today to support this resolution in honor of law enforcement officers who were killed or disabled in the line of duty. I want to thank the gentleman from Colorado (Mr. HEFLEY) for sponsoring this important legislation and to all of those who cosponsored it to make it a reality here today.

Before coming to Congress in 1993, I served as a police officer for 12 years, both as a city police officer and as a Michigan State trooper. I have known personally too many officers who have been disabled or who have given their lives for the people they serve.

Each of us today understand the importance of the House of Representatives in undertaking this resolution to honor law enforcement officers who have made the ultimate sacrifice. In this past year it has been 151 men and women.

We do not forget those officers who died in previous years. Mr. Speaker, in my case, I specifically think back about the funerals and where I was honor guard for the funerals of Darrell Rantanen of the Gladstone Post back in about 1974, or Craig Scott of the Lansing Post who died in 1983. Those officers died doing their job just like law enforcement officials do day in, day out.

Unfortunately, Mr. Speaker, probably each one of us can name an officer that was killed in the line of duty either in our home districts or even here in the Capitol, which happened in 1998 with the deaths of Capitol Police Officers Chestnut and Gibson.

We do not forget the extreme sacrifice our Nation's law enforcement and public safety officers make to our communities and to the Nation every day.

This legislation, as simple as it is, recognizes the very important value our government places on the work of the men and women who serve us each day. It is important that we take this step this week to show our respect and recognition for the jobs that police officers do every day, in every town, in every township, and every county in America.

Mr. Speaker, I ask all of my colleagues to join with me in support of this resolution. It is the least we can do for those who work with us and work for us every day in this great Nation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say that when one gives of themselves and gives of their life, they have given the best that they have had to give, and I would urge support for this resolution.

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

□ 1515

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

Mr. Speaker, I appreciate the remarks of the gentleman from Illinois (Mr. DAVIS).

Mr. Speaker, I commend the gentleman from Colorado (Mr. HEFLEY) for introducing this important piece of legislation and for his efforts to bring it to the floor and see it through its passage. I wanted to thank the gentleman from Indiana (Mr. BURTON), of the Committee on Government Reform, and the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service and Agency Organization, and the gentleman from California (Mr. WAXMAN) and the gentleman from Illinois (Mr. DAVIS), ranking members, for working expeditiously for bringing this resolution to the floor.

In closing, Mr. Speaker, let me just remind everyone that it is our law enforcement officers that provide for the construction of the community, provide for its safety. They are, indeed, community builders. It reminds me of a poem that I learned many years ago, and I should like to offer it in closing, Mr. Speaker.

It goes like this: ''I saw a group of men in my hometown. I saw a group of men tearing a building down. With a heave and a hoe and a mighty yell, they swung a beam, and a side wall fell. And I said to the foreman, 'Hey, are these men skilled, you know the kind that you'd hire if you wanted to build?' He said, 'Why no indeed. To tear down a building, common labor is all I need. With common labor, I can tear down in a day or two what it took a builder 10 years to do.' So I thought to myself as I walked away, which of these roles am I going to play.''

Mr. Speaker, men and women in law enforcement and in uniform today that build our communities deserve the vote, and I urge the Members to provide their vote and their support.

Mr. ORTIZ. Mr. Speaker, I rise in support of this resolution and join Americans across the country today in honoring those officers who have died or who were disabled in the line of duty. South Texans appreciate those men and women who walk that thin blue line every day.

As a former law enforcement officer, I have an intimate understanding of situations that can turn dangerous or deadly in a moment. The men and women who police our communities walk that line that separates the good guys from the bad guys. The work we ask our police officers to do is dangerous, dirty duty.

What people do not understand very often is that it is the inherent risk of what we might have to do that makes law enforcement so dangerous. We see the best and worst of our fellow human beings. It is not our job to judge them. That task is reserved judge and jury. Our job is merely to treat everyone equally.

Enforcing the law is a hard job. When people do something wrong, their first instinct is to find fault with the person who catches them. So being the guardian of our laws is never a simple endeavor. But in the end, it is the enormous satisfaction of protecting our neighborhoods and families that makes walking that line worth all the danger and criticism. It is the laughter of safe children, or the gratitude of someone whose life or property we protect, that makes doing this job enormously satisfying.

There are several South Texans who will be honored this week. Officers who made the supreme sacrifice include: Enrique L. Carrizalez,

Alfred Walter Basler, David Rucker, Susan Lynn Rodriguez, Richardo Guillermo Salinas, Joseph Moon, Juan Prieto, Dan Bock, Roy Smith, John Sartain, and Ruben Almanza. These people are examples of the message set forth by Jesus Christ in John 15:13: ''Greater love hath no one than this: than to lay down one's life for his friends.''

Let us not forget the sacrifice made on our behalf right here in this building; our own Capitol Police Officers Chestnut and Gibson died defending Members of Congress and the public who populate this building. The House of Representatives joins families and communities across the nation to remember those members of the force who are no longer with us, who made the supreme sacrifice in the line of duty.

For the sacrifices to ensure the rule of law, the officers we honor today and their families have the eternal gratitude of a grateful nation. While today we remember and reflect on the last full measure of devotion of these brave peace officers, let us do better than that by remembering their sacrifice and respecting the danger our officers face each and every day on our behalf every other day of the year.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H. Res. 116, to acknowledge the dedication and sacrifices of the men and women of the United States who were killed or disabled while serving as law enforcement officers. It is fitting that we acknowledge and commend the courage and dedication shown by our law enforcement officers who have given their lives for their fellow citizens.

Mr. Speaker, sadly in the past year, 150 law enforcement officers gave their lives in the performance of their duty. In my own district, although we have been fortunate not to have lost officers in the line of duty in the past year I pause to remember and recognize Randy Stevens, Steven Hodge, Richard Callwood, Dexter Mardenborough, Wilbur Francis, Allen William, and Patrick Sweeney who were all killed as they sought to keep the streets and communities of the Virgin Islands safe.

Mr. Speaker it was President Kennedy, who approved House Joint Resolution 730 in October 1962, which proclaimed May 15 of each year as Peace Officers Memorial Day and the Week of May 15th Police Week. Our Police Officers are the defenders of our communities because they bravely protect us from mortal dangers, in some cases at the cost of their own lives. For that we owe them all our deepest gratitude and respect. I urge my colleagues to vote ''yes'' on H. Res. 116.

Mrs. MCCARTHY of New York. Mr. Speaker, I support H. Res. 116. It is a long-awaited tribute to the hard working law enforcement community members.

Countless law enforcement men and women daily dedicate their lives to our country's protection. They face unbelievable danger to say nothing of the sacrifices: death, injury, disability and family stress. We must finally recognize their dedication and commitment to our communities, families and children.

They not only deserve our support and gratitude, but they also deserve protection under the law. That is why I cosponsored H.R. 218, the Community Protection Act. This bill, supported by police nationwide, allows law enforcement officers to carry concealed weapons. They need this as criminals know who the officers are, who their families are and where they live. Very simply: law enforcement officers need protection both on and off duty.

When law enforcement officers begin their day, the risk and danger are unknown. I cannot imagine a more unsettling feeling for both the officer and his or her family.

Therefore, I honor law enforcement officers nationwide, particularly those who serve Long Island.

Mr. SCHIFF. Mr. Speaker, I rise today in support of House Resolution 116, honoring law enforcement officers who have been killed or disabled in the line of duty. Often, the immeasurable contributions of our nation's law enforcement officers go unnoticed. The establishment of a Peace Officers Memorial Day would serve as a powerful tribute to slain officers as well as to those who continue to risk their lives each day to make our communities safe.

In one of the communities I represent, Glendale, California, four police officers and one sheriff's deputy have been killed in the line of duty. Many more have suffered work-related injuries and illnesses that have contributed to early deaths. This ultimate sacrifice deserves honorable recognition.

One of these fallen heroes is Charles A. Lazzaretto, a Glendale Police Officer, who was killed in the line of duty only four years ago. Chuck was born on October 5, 1966 and spent his early childhood living with his family in the California communities of Walnut and Montebello. In 1982, the Lazzaretto family moved to Burbank where his father served as city manager. While attending Glendale Community College in the mid-1980s, Chuck was appointed as a campus public safety officer and subsequently promoted to the rank of sergeant. In 1985, he volunteered for the United States marine Corps Reserves and attended Officer Candidate School.

Chuck joined the Glendale Police Department on May 3, 1987 where he was appointed as a reserve police officer. In 1991, he received the rank of officer, working assignments in the juvenile, burglary, auto theft, arson, and robbery/homicide areas. Chuck's favorite pastime was spending time with his family. He often spoke of his love for his wife and two sons, Andrew and Matthew, as well as his parents and three brothers. Chuck was a community leader and family role model.

Police officers touch the lives of so many Americans. It is a long overdue tribute that we commemorate the courage and spirit of our nation's law enforcement officers with this resolution. I would also like to add my voice in support of H.R. 1727, which assists the families of those killed in the line of duty. May our fallen heroes and their families find solace in the national recognition of their sacrifice.

I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. BARR of Georgia). The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and agree to the resolution, H. Res. 116, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

FALLEN HERO SURVIVOR BENEFIT FAIRNESS ACT OF 2001

Mr. RAMSTAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1727) to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty, as amended.

The Clerk read as follows:

H. R. 1727

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 ''Fallen Hero Survivor Benefit Fairness Act of 2001''.

SEC. 2. CONSISTENT TREATMENT OF SURVIVOR BENEFITS FOR PUBLIC SAFETY OFFICERS KILLED IN THE LINE OF DUTY.

Subsection (b) of section 1528 of the Taxpayer Relief Act of 1997 (Public Law 105–34) is amended by striking the period and inserting '', and to amounts received in taxable years beginning after December 31, 2001, with respect to individuals dying on or before December 31, 1996.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from New York (Mr. MCNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. RAMSTAD).

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

Mr. Speaker, we cannot be considering this important legislation on a more appropriate day. Today is Peace Officers Memorial Day. Each year, on May 15, America honors the men and women in law enforcement who have given their lives to keep the American people safe in their communities and on their streets. More than 15,400 brave public safety officers have made the ultimate sacrifice since our Nation was founded.

We just considered a resolution honoring these fallen heroes. Now it is time to honor our public safety officers killed in the line of duty by offering tangible help to their loved ones left behind. This is exactly what the legislation before us does.

The Fallen Hero Survivor Benefit Fairness Act provides tax-free benefits to families of all public safety officers killed in the line of duty regardless of when the officer was killed. This bill, Mr. Speaker, includes law enforcement officers, firefighters, rescue squads, ambulance crews and employees working in disaster or emergency areas.

Under present law, a gross inequity exists because survivor benefits are treated differently, depending on when the public safety officer died. Currently, survivor benefits are tax free only if a public safety officer died in the line of duty after December 31, 1996.

This inequity, Mr. Speaker, arose from the Taxpayer Relief Act of 1997

because of revenue constraints. Pursuant to an amendment to that legislation offered by the gentlewoman from Florida (Mrs. THURMAN) and me, families of officers killed in the line of duty became eligible to receive survivor benefits tax free for the first time.

Unfortunately, however, because of the revenue limitations at the time, the tax-free benefits were limited to officers killed after December 31, 1996.

As a result, Mr. Speaker, families of our law enforcement heroes, our fallen heroes, are being treated differently by the Tax Code depending on when the officer was killed. I think all of us in this body and all Americans agree that it is absolutely unconscionable to discriminate against survivors of fallen officers simply because their husband, wife, or parent officer died before 1997.

The bill before us today is based on an amendment I offered 2 years ago in the Committee on Ways and Means, which was unanimously adopted in the Taxpayer Refund and Relief Act of 1999. That provision passed both the House and Senate, but unfortunately the President at the time vetoed the larger bill.

I want to express my gratitude to the gentleman from California (Chairman THOMAS) for expediting H.R. 1727 in the Committee on Ways and Means. I want to also thank the 13 bipartisan members of the committee who joined me in sponsoring this bill and to the other sponsors, especially the gentleman from New Hampshire (Mr. SUNUNU), the gentlewoman from Florida (Mrs. THURMAN), and the gentleman from Michigan (Mr. STUPAK), who have worked on this issue over the years.

I am also grateful to the more than 20 State and national law enforcement organizations who sent letters in support of this important legislation. But most of all, Mr. Speaker, I am eternally grateful to the fallen heroes and their families we honor today.

As cochair of the Congressional Law Enforcement Caucus, I understand the risks and sacrifices made by our officers every time they put on their badge. Over the past 15 years, I have spent over 1,600 hours riding with Minneapolis and suburban police back home. I have accompanied high-risk entry teams on 65 search warrants. So I have seen, firsthand, officers in harm's way simply because they are doing their job to keep our streets and communities safe.

Each year, an average of 62,000 assaults are committed against peace officers, resulting in more than 21,000 injured officers. On the average, it was just said by the previous speakers, an officer is killed every 57 hours in America. Just last year, 150 peace and police officers gave their lives, which represents, by the way, a 12 percent increase in police fatalities over the previous year.

The average age of slain peace officers is only 38 years. Seventy-two percent of these officers were married, and the largest percentage had young children.

Of course the financial hardship on these families can be devastating on top of dealing with an unbearably painful loss.

So, Mr. Speaker, let me conclude by saying this legislation, H.R. 1727, is long overdue. Just a few short hours ago, a memorial service for fallen police officers was held here at the Capitol. Flags on all Federal buildings are currently flying at half-staff. It is time to honor our fallen heroes with deeds as well as words.

I urge my colleagues to support this bill which will ensure that all families, all families of slain police officers receive survivor benefits tax free, regardless of when the officers were killed. It is the very least we can do for families of our fallen heroes who have made the ultimate sacrifice.

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

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

Mr. Speaker, today H.R. 1727 comes to the House with strong bipartisan support. This bill was approved by the Committee on Ways and Means by unanimous vote. I strongly support this legislation.

H.R. 1727 would bring fairness to our Tax Code for a small but very special group of taxpayers. The bill would extend uniform tax treatment to certain payments received by the surviving spouse or children of a public safety officer killed in the line of duty. This legislation would extend current-law treatment to amounts paid under a survivor annuity with respect to a public safety officer killed in the line of duty before December 31, 1996 with respect to payments received after December 31 in the year 2001.

The Tax Relief Act of 1997 provided that amounts paid pursuant to a survivor annuity with respect to public safety officers who were killed in the line of duty are excluded from the income of the officer's surviving spouse or children if the officer's death occurred on or after December 31, 1996. The annuity must be provided under a government plan.

For this purpose, public safety officers include, not only law enforcement officers, but also firefighters, rescue squad members, or ambulance crews.

As demonstrated under present law, this tax treatment is provided for annuity payments received with respect to public safety officers who lose their lives due to risks inherent in their jobs. These officers risked their lives on a daily basis to protect our families and our communities. This sacrifice obviously is shared by their families.

Under H.R. 1727, we are acknowledging that, when a public safety officer is killed in the line of duty, the officer's family has paid the ultimate sacrifice. The sacrifice is no less great because the officer was killed before December 31, 1996.

This is why H.R. 1727 extends current law to families of all officers killed in the line of duty without regard to date of death. All surviving spouses and all children of public safety officers killed in the line of duty should receive the same tax treatment.

H.R. 1727 provides that all payments received under a survivor annuity as prescribed above after December 31, 2001 would be excluded from income.

I urge all of my colleagues to support H.R. 1727 in the name of all of those who put their lives on the line for us 365 days a year.

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

Mr. RAMSTAD. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Hampshire (Mr. SUNUNU), an important cosponsor of this legislation, a strong advocate to law enforcement, and a fellow member of the Law Enforcement Caucus.

Mr. SUNUNU. Mr. Speaker, it is a great privilege to rise in support of the Fallen Hero Survivor Benefit Fairness Act. I want to begin by thanking the gentleman from Minnesota (Mr. RAMSTAD), who is chairman of the Law Enforcement Caucus and who has worked hard and successfully to bring this important bill through the Committee on Ways and Means and to the floor.

As he and previous speakers have indicated, this legislation extends the tax-free treatment to the survivors of those law enforcement officers and public safety officers lost in the line of duty, not just for those lost after 1996. It makes good sense. It is fair. It is just.

Especially during a week when we honor law enforcement officers and those who have fallen in the line of duty, it is an important gesture, a step forward that gives them the financial security and the piece of mind they so justly deserve.

I introduced similar legislation 2 years ago with the gentleman from Michigan (Mr. STUPAK) after sharing the stories with several families in New Hampshire that faced the consequences of having lost a loved one serving in the line of duty prior to 1996.

It is my pleasure to support the legislation, and it is a pleasure to step forward on a piece of legislation that has such a bipartisan commitment behind it. I thank my colleagues for their support.

Mr. MCNULTY. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Michigan (Mr. STUPAK), a friend, a colleague, and a former police officer who himself put his life on the line for the folks in his community.

Mr. STUPAK. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. RAMSTAD), my colleague and cochair of the Law Enforcement Caucus, for his hard work on this resolution and the gentleman from New Hampshire (Mr. SUNUNU) and the gentleman from New York (Mr. MCNULTY) and all the members of the Committee on Ways and

Means for bringing this legislation to the point where we are today.

Public safety officers put their lives on the line every day to protect and serve the people of this country. Yet, unbelievably enough, until 1997, survivor benefits for public safety officers who died in the line of duty were subject to Federal income taxes. The families, loved ones had done so much for this country, and their spouses and children sacrifice as well, yet the Federal Government would tax the benefits they so need.

□ 1530

In 1997, as I attended the Police Officers Memorial, I was made aware of this injustice of taxing survivor benefits. Because of the quirk in the law, those law enforcement officers who were disabled, their benefits were not taxed; yet those who died, their benefits were taxed by the Federal Government. So I spoke then with the co-chair of the Congressional Law Enforcement Caucus, the gentleman from Minnesota (Mr. RAMSTAD). We spoke with the President, got the support of the administration; we worked with members of the Committee on Ways and Means, especially the gentlewoman from Florida (Mrs. THURMAN); and we moved legislation to try to correct this injustice. The Congressional Law Enforcement Caucus wholeheartedly supported it.

In 1997, Congress started to fix this serious problem. The Taxpayers Relief Act of 1997 provided that the survivor benefits of officers killed on or after December 31, 1996, would not be subject to taxation. However, we had budget constraints back then; and we could not extend this legislation to everyone. But we did not give up. These were not minor omissions. The bill left numerous deserving families without assistance.

I am pleased to report that through this legislation today, authored by my colleague, the gentleman from Minnesota (Mr. RAMSTAD) and my cochairman of the Congressional Law Enforcement Caucus, who has worked so hard on this issue, we now have this bill for passage before the House of Representatives. Today, we close this unfair loophole by ensuring that the survivor benefits of all officers, regardless of the date they perished, will be exempt from taxes.

We must provide for those families that have suffered the devastating loss of losing their loved ones to the call of duty. These families deserve our support when the unthinkable happens and their loved one is struck down. We have to look out for them, just as their husbands, their wives, their mothers, and fathers look out for us every day, risking their commitments to their families for the greater commitment they have made to this country.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume to simply say that in the name of basic tax fairness and on behalf of all of the survivors of the heroes who put their lives on the line and gave their lives for our communities, I urge all of my colleagues to support this legislation.

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

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume to again thank my co-chair of the Congressional Law Enforcement Caucus, the gentleman from Michigan (Mr. STUPAK), and the gentleman from New York (Mr. McNULTY), the gentlewoman from Florida (Mrs. THURMAN), and the 13 other Ways and Means colleagues who cosponsored this important legislation. I also want to thank the gentleman from New Hampshire (Mr. SUNUNU) again for his hard work on this issue and the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, for expediting this legislation at my request.

This is the least we can do, Mr. Speaker, for our fallen law enforcement heroes and other public safety officers killed in the line of duty, to give all of the survivors of public safety officers who give their lives for our public safety the tax-free benefits regardless of when their officer relative was killed. So I urge Members to support this important legislation.

Mr. DELAY. Mr. Speaker, current law unfairly divides our fallen heroes into two camps. Officers who sacrificed their lives after 1997 are granted the fair and reasonable recognition of allowing their families to draw survivor benefits without paying taxes on the benefits.

Society recognizes that officers who make the supreme sacrifice deserve to be treated in a special way through this provision, which is designed to express our gratitude to the surviving family members.

Unfortunately, this distinction does not currently apply to the surviving families of officers who fell before January 1987. The law discriminates against these law enforcement officers because it denies their families the right to draw their survivor's benefits without taxes.

We need to treat all of our fallen officers equally. We should single out those brave officers who give their lives protecting society. We should demonstrate a special reverence for their demanding and dangerous work as law enforcement officers. Easing the burden on surviving family members is a fair and appropriate gesture to convey our thanks and respect. Members should show our appreciation by supporting this legislation.

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

The SPEAKER pro tempore (Mr. BARR of Georgia). The question is on the motion offered by the gentleman from Minnesota (Mr. RAMSTAD) that the House suspend the rules and pass the bill, H.R. 1727, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 1727.

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

There was no objection.

FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. LEWIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 586

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 ''Fairness for Foster Care Families Act of 2001''.

SEC. 2. EXCLUSION FOR FOSTER CARE PAYMENTS TO APPLY TO PAYMENTS BY QUALIFIED PLACEMENT AGENCIES.

(a) IN GENERAL.—The matter preceding subparagraph (B) of section 131(b)(1) of the Internal Revenue Code of 1986 (defining qualified foster care payment) is amended to read as follows:

''(1) IN GENERAL.—The term 'qualified foster care payment' means any payment made pursuant to a foster care program of a State or political subdivision thereof—

''(A) which is paid by—

''(i) a State or political subdivision thereof, or

''(ii) a qualified foster care placement agency, and''.

(b) QUALIFIED FOSTER INDIVIDUALS TO INCLUDE INDIVIDUALS PLACED BY QUALIFIED PLACEMENT AGENCIES.—Subparagraph (B) of section 131(b)(2) of such Code (defining qualified foster individual) is amended to read as follows:

''(B) a qualified foster care placement agency.''

(c) QUALIFIED FOSTER CARE PLACEMENT AGENCY DEFINED.—Subsection (b) of section 131 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) QUALIFIED FOSTER CARE PLACEMENT AGENCY.—The term 'qualified foster care placement agency' means any placement agency which is licensed or certified by—

''(A) a State or political subdivision thereof, or

''(B) an entity designated by a State or political subdivision thereof,

for the foster care program of such State or political subdivision to make foster care payments to providers of foster care.''

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. LEWIS) and the gentleman from New York (Mr. MCNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a straightforward bill which updates and simplifies the Tax Code as it relates to foster care families. Under current law, foster care families are given a tax exemption on the payments they receive through a state-run foster care program. The current law was enacted in 1986. The law recognizes that if you are willing to open your heart and home by participating in foster care, you should receive this exemption. It is that simple.

Over the years, however, States have changed the way foster care services are delivered and many are privatizing or contracting out some or all of their services. When this happens, and a private organization participates in the State program, the tax exemption for families becomes confusing and, in some cases, unfair. Specifically, the exclusion is dependent on a complicated analysis of three factors: the age of the foster individual, the type of entity that places the individual, and the source of payment.

If the payments are found not excludable because a private entity is participating in one or all of these factors, the foster care provider is then required to keep extensive records of every expense made on behalf of the foster individual in order to qualify for the exclusion. As my colleagues can imagine, these rules are extremely confusing. In fact, many accountants have difficulty interpreting these rules for families; and as a result, families are discouraged from participating in foster care. This problem is created simply because current law is outdated and no longer reflects the changes States are making in their business practices.

Mr. Speaker, States should be encouraged to be innovative and responsible in their business practices; but more important, foster care families should not be penalized as a result. My bill, H.R. 586, simplifies current law to ensure that the exemption is there for all foster care families regardless of how their State foster care practices change and regardless of the age of the individual.

My bill recognizes the increasing role of private agencies in State foster care plans and also requires these agencies to be licensed and certified by the State in order to participate in a State foster care program.

Again, Mr. Speaker, my bill simplifies and provides fairness for the Tax Code for all foster care families, and I urge my colleagues' support.

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

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

Mr. Speaker, I rise today to join with my friend, the gentleman from Kentucky (Mr. LEWIS), in supporting H.R. 586, the Fairness to Foster Care Families Act. H.R. 586 would expand the types of foster care payments that are excludable from a foster family's taxable income. The bill recognizes that payments received by foster families, regardless of the type of agency providing those payments, are needed to care for the foster child and, therefore, should not be taxed.

We have over 560,000 abused, abandoned, and neglected children in our Nation's foster care system who need caring homes as they wait to return to their birth parents or to be adopted. H.R. 586 removes one barrier to at least some families taking a foster child into their homes. Under current law, foster care payments are excluded from taxable income only if the placement and payment is made by a State agency or, in the case of an individual under the age of 19, by a nonprofit agency.

This bill would extend this favorable tax treatment to any foster care payment made by an agency licensed or certified by the State. This would remove restrictions currently imposed on foster families whose payments are made by for-profit agencies or, in the case of foster individuals older than the age of 18, by non-profit agencies.

The impact of for-profit agencies in the child welfare system is uncertain. We need more information on how these for-profit agencies affect child well-being and on how common it is for States to contract with them to undertake certain functions, including the placement and oversight of children in foster care. However, it does seem appropriate that we not penalize foster families when they receive foster care payments from private agencies with which a State has entered into a contract to administer parts of their foster care system. Furthermore, H.R. 586 recognizes that States also may contract with private agencies to place older, often disabled individuals with foster families.

This bill is not a single simple answer to the problems faced by our foster care system, but it does take a small step to help some foster families. I strongly support H.R. 586, and I urge support from all my colleagues.

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

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP), a good friend and colleague.

Mrs. NORTHUP. Mr. Speaker, I rise to speak in support of House bill 586 and to remind ourselves that it would be easy, considering the system of government, to think of this bill as a tax bill; but it is really a bill about children and families.

So often youngsters in the classroom ask me where I got the best insight to serve as a Member of Congress. They expect me to talk about my economics classes or different classes I had in school. And I always answer that it is being the mother of six children. What I have learned is that families are the most enduring, important part of a child's life. It is the security that they begin life with and that they carry throughout life.

Some of our children in this country have not been blessed with a consistent family life. To our good fortune, we have agencies that are becoming partners with our States to provide more children with better services and an even better chance of growing up in a foster family. Some of these children come from the most difficult circumstances, and it is not surprising that sometimes support systems have to be in place for these families. It is to our good fortune and to this country's good fortune and to our children's good fortune that we have so many of these agencies that are able to provide the comprehensive support services that families need. It is only reasonable that we make sure that our tax laws support these new evolving, important systems that allow children to have what is the most important thing in their life: a family.

And so this bill is not about taxes. It is about families, specifically foster families, and expanding the number and the opportunity and the differing looks that foster families often have as they serve each one of our unique children. God bless our children. How lucky we are to have the services of our foster services, and this bill will help make sure that those services exist and expand for every child.

Mr. MCNULTY. Mr. Speaker, I yield myself such time as I may consume; and in support of all of the foster children across this country and the families who care for them, I urge support for this bill.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H.R. 586, the Foster Care Promotion Act. As the son of parents who welcomed 25 foster children into their family, I know firsthand the worth of the foster care system.

This bill would allow foster parents to exclude payments for foster children of any age placed by a non-governmental foster care agency from their taxable income. By subsidizing the cost of foster children, regardless of their age or the method in which they were placed, we will properly value the incredible work of foster parents everywhere.

Foster parenting is an act of true selflessness, as each child requires a significant financial and emotional investment. Many foster children have been abused or neglected. Such treatment leaves indelible scars, which foster parents lovingly attempt to heal. We should not ask such generous individuals to give of their pocketbooks as well as their hearts.

All children need love and support. This bill takes an important step toward ensuring that

some of the most needy children will received it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 586, as amended.

The question was taken.

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

Mr. LEWIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1545

CONCERNING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

Mr. LEACH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 428) concerning the participation of Taiwan in the World Health Organization.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).

(a) FINDINGS.—The Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan's population of 23,500,000 people is larger than that of ¾ of the member states already in the World Health Organization (WHO).

(4) Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to eradicate polio and provide children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated $200,000 in relief aid to the Salvadoran Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950's.

(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106–137 required the Secretary of State to submit a report to the Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

(b) PLAN.—The Secretary of State is authorized—

(1) to initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2001 in Geneva, Switzerland; and

(2) to instruct the United States delegation to Geneva to implement that plan.

(c) REPORT.—Not later than 14 days after the date of the enactment of this Act, the Secretary of State shall submit a written report to the Congress in unclassified form containing the plan authorized under subsection (b).

The SPEAKER pro tempore (Mr. BARR of Georgia). Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 428.

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

There was no objection.

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

Mr. Speaker, I rise today to support this legislation which would authorize the administration to initiate a plan to endorse and obtain observer status for Taiwan in the World Health Organization during the May 2001 World Health Assembly in Geneva.

Mr. Speaker, I would like to congratulate the gentleman from Ohio (Mr. BROWN) for sponsoring this resolution. It should be stressed that nothing in this bill implies a change in this country's one China policy, which has been based for over 30 years on three communiques and the Taiwan Relations Act. At the same time, however, care should be taken not to arbitrarily exclude the 23 million people of Taiwan from appropriate economic and humanitarian venues.

Mr. Speaker, the House previously passed this bill 407–0 on April 24. Today we are considering the legislation as amended by the Senate. We should support it for at least two reasons:

First, Taiwan's participation in the WHO will advance the cause of public health worldwide. In January, Taiwan played an important role in providing relief to earthquake victims in El Salvador. By gaining observer status at the WHO, Taiwan will be able to participate more meaningfully in meeting its, and our, global health challenges in the future. Disease and national disasters know no borders.

Secondly, where sovereignty is not at issue, Taiwan's participation in international organizations makes common sense. Taiwan thrives economically and politically. Economically, Taiwan has raised the standard of living on a more equalitarian basis than any developing country over the past half century.

Politically, reminiscent of Sun Yat-Sen's call for staged democratic development, Taiwan has moved, particularly over the past two decades, to expand and refine representative democracy. Today it is a model for the world.

Mr. Speaker, the Senate has modified this bill to reflect the concerns of the senior Senator from the State of Utah, Mr. HATCH. The bill now authorizes rather than requires the Secretary of State to formulate and pursue a plan to win observer status for Taiwan in the World Health Organization. The administration supports this change, and I urge that the House do so as well.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for his good work on this issue. On May 20 of last year, Chen Shui-bian was sworn in as President of Taiwan. This was an historic event, the first major transfer of power between rival political parties in that nation's history.

Mature democracies like the United States take such political transitions for granted, but the peaceful exchange of power is a rare democratic legacy. Taiwan now shares this privilege. Taiwan has evolved into a stable, prosperous nation governed by the rule of law. Taiwan's 40-year journey toward democracy is a success story. We should acknowledge and reward that progress and celebrate it.

Mr. Speaker, to this end, I introduced H.R. 428, which would authorize our U.S. Department of State to initiate a plan to endorse and obtain observer status for Taiwan in this year's World Health Assembly. Ninety-two of my colleagues have cosponsored this bill fostering Taiwan's participation in the World Health Assembly. This is a modest step, but a meaningful one. Observer status in the WHA does not require statehood, in fact the PLO, the Order of Malta, the Vatican, and Rotary International all have observer status in Geneva at the WHA, but passing this bill will be a significant victory for every Taiwanese citizen and for every American who cares about human rights.

Children and families suffer from the effects of inadequate health care,

whether they live in Washington, Geneva, Beijing, or Taipei. In 1998, Taiwan suffered an outbreak of enterovirus 71, a potentially fatal disease that causes severe inflammation of muscle surrounding the brain, spinal cord, and heart. Infants and children are particularly vulnerable to this highly contagious virus. Unfortunately, the Taiwanese doctors treating enterovirus 71 did not have access to the medical resources of the WHO. By the time the outbreak was under control, 70 Taiwanese children had died. Had Taiwan been permitted to draw on WHO expertise, these children could very well still be alive.

But as Taiwan benefits from participation in the WHO, so does the rest of the world. Taiwan, with a highly developed health care system, has made great advances in science and technology. Inclusion in WHO would allow American health officials better access to Taiwanese information, as much as the other way around.

Mr. Speaker, our government's tacit support for the status quo, our unwillingness to fight for Taiwan's participation in the World Health Organization, is not only short-sighted, it is unjustifiable. Infectious diseases do not respect politically driven distinctions or national borders. Infectious diseases travel. If there is TB in Taiwan, there will inevitably be TB in the U.S. If there is HIV/AIDS in South Africa, there will inevitably be HIV/AIDS in Brazil.

Mr. Speaker, global illnesses are just that, global. No country is immune when one country faces a public health crisis. Recently, the administration decided to sell four Kidd-class destroyers to Taiwan, despite threats from the People's Republic of China. If our commitment as a Nation is strong enough to justify supporting Taiwan's military defense with arms sales, it certainly is strong enough to justify supporting access to global health resources for Taiwan's 23.5 million people.

Mr. Speaker, I appreciate the strong support H.R. 428 has received from Members on both sides of the aisle, and look forward to the bill's passage today. I call on President Bush to do the right thing, to go to Geneva and fight for observer status for Taiwan at the World Health Assembly.

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

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise today in support of H.R. 428. I thank the gentleman from Iowa (Mr. LEACH) and the gentleman from Ohio (Mr. BROWN) for their excellent work on this measure.

Mr. Speaker, the passage of this measure before the House will mark yet another triumph for the United States and Taiwan. For too long Taiwan has been denied the benefit of participation in the World Health Organization and a dialogue with its member nations concerning public health policy.

Unfortunately, this absence has prevented the people of Taiwan and the members of the World Health Organization from the experiences of an emerging leader in East Asia. I am pleased that we will correct this oversight today.

Mr. Speaker, we have a moral duty to ensure that our neighbors have access to the same lifesaving information and technology that we enjoy in the United States. As one of the world's most densely populated regions, Taiwan has been successful at controlling infectious diseases and matching the infant mortality rates of developed nations. Yet work remains in areas such as food safety and the control of illegal drugs.

Mr. Speaker, the World Health Organization can help Taiwan in those efforts. I am encouraged by the prospects for all the World Health Organization's members, and I look forward to increased participation by Taiwan in world health events. Ultimately, the real benefit of Taiwan's entry in the WHO will be the children of Taiwan who will have better access to immunizations and preventive care.

Mr. Speaker, I urge all of my colleagues to join me in this bipartisan effort in supporting this bill.

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

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

Mr. Speaker, in conclusion, let me stress that arguably the greatest issue in the world today may well be disease control. What the WHO symbolizes is a people-oriented concern for control of disease. Taiwan should not be precluded from expanding its capacity to meet its people's needs, nor precluded from assisting others in less sophisticated health care centers from receiving the support of Taiwanese doctors and health care delivery specialists.

Mr. Speaker, this is a common-sense bill. I urge support of it.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to support the House Resolution 428 to approve Taiwan participation in the World Health Organization.

Historically the United States and Taiwan have maintained good relationship. Ever since its establishment in 1912 we have had substantive diplomatic and commercial ties. On April 10, 1979, the House of Representatives have enacted Public Law 96–8, known as the Taiwan Relations Act. This Act played a very important role in shaping our policies toward Taiwan. It is considered as a representation of our best ideals to safeguard security and commercial interests in the area.

Taiwan with its population of approximately 20 million has solidly embraced the principles of a democratic society.

Its medical infrastructure is considered to be among the best in the world. According to a recent report, at the end of 1999, there were 152,385 medical personnel in Taiwan. There are currently 11 medical schools, 13 paramedical junior colleges, and 14 paramedical vocational schools.

Virtually all medical specialties known in the Western World are being practiced in Taiwan.

In view of our close diplomatic ties and excellent health care program in Taiwan, I support House Resolution 428 to allow Taiwan to participate in the World Health Organization.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 428 which authorizes the United States Secretary of State to initiate and implement a plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health assembly (of the World Health Organization) this month in Geneva, Switzerland. Taiwan and its 23 million people should have appropriate and meaningful participation in the World Health Organization (WHO).

The WHO Constitution states that the ''enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.'' Yet today, Taiwan is excluded from participation in the WHO because of political pressure from the People's Republic of China.

This means that the people of Taiwan cannot share in the WHO's vital resources and expertise. Taiwanese physicians and health experts are not allowed to take part in WHO-organized forums and workshops regarding the latest techniques in the diagnosis, monitoring and control of diseases. Taiwanese doctors do not have access to WHO medical protocols and health standards.

This is simply not right. Diseases do not stop at national boundaries, and with today's high frequency of international travel, the possibility of transmitting infectious diseases is greater than ever. Good health is a basic right for every citizen of the world, and Taiwan should be granted membership in the WHO.

Despite its exclusion from the WHO, Taiwan has made some remarkable achievements in the field of health, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, and the eradication of infectious diseases such as smallpox and the plague. Taiwan is the first Asian nation to be rid of polio and the first country in the world to provide children with free hepatitis B vaccinations.

Prior to 1972 and its loss of membership in the WHO, Taiwan sent specialists to serve on health projects in other members countries, and its experts held key positions in the WHO. In recent years, the Taiwanese government has expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but it has been unable to render such assistance because it is unable to participate in the international health organization.

Taiwan's population of 23 million people is larger than three-quarters of the member states already in the WHO. Clearly, Taiwan and the world community could benefit by its participation in the WHO. I believe the United States should actively support Taiwan's membership in the World Health Organization.

I urge my colleagues to support H.R. 428.

Mr. GILMAN. Mr. Speaker, I rise in strong support of the initiative by the gentleman from Ohio, Congressman BROWN, concerning Taiwan's participation in the World Health Organization. I commend our committee's distinguished chairman, Mr. HYDE and the ranking minority member, the gentleman from California, Mr. LANTOS and the subcommittee chairmen and ranking minority members of the International Operations and Human Rights

and East Asia and the Pacific for crafting and bringing this resolution expeditiously to the floor.

Secretary Powell noted before our committee that there should be ways for Taiwan to enjoy full benefits of participation in international organizations without being a member. H.R. 428 only calls for the Secretary of State to initiate a United States plan to endorse and obtain observer status at the WHO for Taiwan.

In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO, but has been unable to render such assistance because Taiwan is not a member of the WHO.

The WHO has allowed observers to participate in the activities of the organizations, including the Palestinian Liberation Organization, the Knights of Malta, and the Vatican.

Along with many of my colleagues, we are very disappointed that Taiwan is not a full member of the U.N. and all international organizations that its democratically led government wishes to join. Although this resolution does not anywhere near enough address this concern, it is a first step in addressing the problem that Taiwan faces.

Accordingly, I strongly support H.R. 428.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 428.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 6 o'clock and 2 minutes p.m.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 1696, by the yeas and nays;

House Resolution 116, by the yeas and nays;

H.R. 1727, by the yeas and nays;

H.R. 586, by the yeas and nays; concurring in Senate amendment to H.R. 428, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

EXPEDITING CONSTRUCTION OF WORLD WAR II MEMORIAL IN DISTRICT OF COLUMBIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1696.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 1696, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 15, not voting 16, as follows:

[Roll No. 109]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—15

Bereuter
Berman
Clay
Gilchrest
Harman
Hinchey
LaFalce
Lee
Miller, George

Oberstar
Snyder
Stark
Stupak
Taylor (NC)
Waxman

NOT VOTING—16

Allen
Brady (PA)
Fattah
Hall (OH)
McInnis
McIntyre
Mollohan
Obey
Platts
Portman
Ros-Lehtinen
Sanchez
Slaughter
Souder
Whitfield
Young (FL)

□ 1825

Ms. SOLIS and Mr. LIPINSKI changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PLATTS. Mr. Speaker, on rollcall No. 109, I was inadvertently detained. Had I been present, I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to clause 8, rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

COMMEMORATING DEDICATION AND SACRIFICES OF LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 116, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and agree to the resolution, H. Res. 116, as amended, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 110]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—15

Allen
Brady (PA)
Fattah
Gordon
Hall (OH)
Horn
Istook
McInnis
McIntyre
Mollohan
Ros-Lehtinen
Sanchez
Slaughter
Souder
Young (FL)

□ 1834

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Concurrent resolution acknowledging the dedication and sacrifices of the men and women of the United States who were killed or disabled while serving as law enforcement officers.''.

A motion to reconsider was laid on the table.

FALLEN HERO SURVIVOR BENEFIT FAIRNESS ACT OF 2001

The SPEAKER pro tempore (Mr. DUNCAN). The pending business is the question of suspending the rules and passing the bill, H.R. 1727, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. RAMSTAD) that the House suspend the rules and pass the bill, H.R. 1727, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 12, as follows:

[Roll No. 111]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit

Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Allen
Biggert
Brady (PA)
Fattah
Hall (OH)
McInnis
McIntyre
Ros-Lehtinen
Sanchez
Slaughter
Souder
Young (FL)

□ 1844

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is the question of suspending the rules and passing the bill, H.R. 586, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 586, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 11, as follows:

[Roll No. 112]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)

Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Allen
Boehner
Brady (PA)
Fattah
Hall (OH)
McIntyre
Ros-Lehtinen
Sanchez
Slaughter
Souder
Young (FL)

□ 1853

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCERNING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 428.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 428, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 16, as follows:

[Roll No. 113]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
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NOT VOTING—16

Allen
Bishop
Brady (PA)
Capuano
Fattah
Frank
Hall (OH)
Johnson (CT)
McIntyre
Quinn
Ros-Lehtinen
Sanchez
Slaughter
Souder
Weller
Young (FL)

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So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 701

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 701.

The SPEAKER pro tempore (Mr. DUNCAN). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CONGRESS IS OPPOSED TO FAST TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last week the President sent to Congress his International Trade Agenda for 2001. Members who were expecting a detailed and responsible approach were sorely disappointed.

First, the President is trying to play the name game. He knows that Congress has repeatedly rejected Fast Track, most recently in 1998. He also knows that he does not have the support or votes in this Congress to pass this misguided approach. So instead of pushing an initiative that is bound to fail, he is trying to confuse the public and lead the press to believe that this is some kind of novel idea.

By any other name, Fast Track is Fast Track. Let us get real. Trade promotion authority, or TPA as it is being now referred to, is really nothing new. Congress rejected it before, and we will do so again. Let us remember why we rejected it in the first place.

Without congressional oversight and input, trade agreements will be negotiated by unrepresentative delegates, who were never elected, standing up for the rights of international corporations, instead of our hardworking constituents, not to mention that a thing called the Constitution of the United States grants to Congress the right to

regulate commerce with foreign nations.

Our Founding Fathers granted Congress this responsibility as a check on the executive branch. It is critical that we do not trade away the right to represent our constituents.

They have sent us here to represent their wishes, not those of only international corporations looking to their bottom line. The second round of the name game came when President Bush referred to labor and environment as core standards.

If these are core standards, why are they not being included in the core text of trade agreements? That would make sense, would it not? Instead, the President wants labor rights, get ready for this, to be enforced by the U.S. Agency for International Development and environmental standards by the World Health Organization. Who is he kidding? Not Congress.

Mr. Speaker, I urge my colleagues to do exactly what they have done numerous times before. Reject this name game. Reject Fast Track. Stand up for the American people, their standard of living, their right to work for a living wage, their right to live in an environment which is not polluting, and to use the power of this marketplace to raise living standards in other parts of the world, not pull us down to their standards. Reject Fast Track. Reject the name game. Reject trade promotion authority.

INSTANT RECALL ON ANY VACCINE GOING INTO OUR CHILDREN THAT HAS MERCURY IN IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I had a prepared statement that I was going to use, but it has not arrived, so I will speak extemporaneously tonight.

Mr. Speaker, vaccinations have been a real plus for this country. We had a lot of diseases that used to be so feared, like polio and diptheria that we do not have to worry about anymore, and it is because we have vaccinations that really help protect our young people.

But along with the positives, unfortunately there are some negatives, and parents across this country ought to be aware of the negatives as well as the positives. That is why my committee has been holding a number of hearings and has had the health agencies of this country before the committee numerous times.

We have had what is called an explosion of autism in America. Autism, that is a disease most people are not familiar with unless it has hit their family, and that is where one day your child is apparently normal or appears to be normal, and the next day he is running around flapping his arms, cannot speak clearly anymore, bangs his head against the wall, has severe bowel disorders and other related things.

We have had an explosion, an absolute explosion. Twenty years ago, 1 in 10,000 children in America were considered autistic. Today it is 1 in 500. In some parts of the country, it is as many as 1 in 150. Now think about that; 1 in 150 children in some parts of this country is autistic. We need to find out why.

Our committee has held hearings, and we think we have some things that need to be thoroughly investigated, and one of those is why do we have vaccines going into children's arms and into adults arms that contain mercury. Mercury.

Mercury is a toxic substance that we have taken out of our topical dressings. It used to be that you could buy creams that had mercury in them because it was a preservative. They said because it could leach into the bloodstream through the skin, they thought it was safer to take it out of all topical dressings. They still use it as a preservative in many of the vaccinations given to our children.

Mercury is being injected, as I speak tonight, into children across this country along with the vaccinations they are getting.

Other substances being injected into our children are formaldehyde and aluminum, metals that could be and substances that could be toxic. We need to find out why.

I, for one, believe that my grandson became autistic at least in part because he received vaccinations. He received 9 in 1 day, and 6 of those contained mercury. Mercury has a cumulative effect in the body. It gets in the brain. So I believe that 1 week after he received these vaccinations, he became autistic.

He spoke normally. He acted like any other normal child. Yet within 1 week he was running around flapping his arms, walking on his toes, because he had severe bowel disorder, banging his head against the wall, and he could not speak clearly anymore, and he still has those problems.

Mr. Speaker, if what we are putting into our children's bodies along with the vaccinations is causing that, something has to be done.

I asked the Food and Drug Administration when they were before our committee, do we have vaccines that do not contain mercury or these substances? They said, yes, we do, in single-vial doses. Now, what does that mean? It means that if we have single-vial doses that do not contain the mercury, the child is not going to get the mercury.

But what happens is, the pharmaceutical companies are putting out many shots into one vial, and because of that they have to have these preservatives in there, and in many cases they put several vaccines together. And so they have these preservatives in there to make sure that the vaccine does not become contaminated.

If we went to single-vial vaccines and shots, we would eliminate, in my opinion, a large part of the problem. But that is why this country needs to have continued oversight over our health agencies, because our health agencies have not really been following up on these vaccines to find out if there are any side effects that are really going to hurt our kids for the rest of their lives.

Mr. Speaker, I will say tonight that mercury should be taken out of every vaccine in the country, and it should be taken out today. There should be an instant recall on any vaccine that is going into our children that has mercury in it.

We have enough vaccines that do not contain these toxic chemicals and substances, so our children can be inoculated in a safe and effective way, and yet our health agencies continue to let these companies use mercury in these vaccines.

Today as I speak, as I said, children are being vaccinated with these toxic chemicals in them. It is unconscionable.

Mr. Speaker, we have what is called SIDS deaths, and they have said it is because children go to bed and they sleep on the wrong side, and there is no explanation why they do not. My granddaughter received a Hepatitis B shot, and within an hour she quit breathing. We had to you rush her to the hospital, and she was blue in the face.

Had she been in bed, the next morning she would have been dead; but my daughter saw her and saw her turning blue and rushed her to the hospital. It was a reaction to the Hepatitis B shot.

Mr. Speaker, let me just say in conclusion, we will have more of these 5-minute special orders, every parent in the country ought to start reading the inserts on those vaccines. Vaccinations are important, but we want to make sure we know what is going into our children's bodies.

COMMITTEE ON GOVERNMENT REFORM'S OVERSIGHT ACTIVITIES OF VACCINE SAFETY

During the 106th Congress the Full Government Reform Committee and two of its Subcommittees initiated investigations looking at several vaccine issues. There are increasing concerns that the risks related to vaccines are not widely known or acknowledged. Vaccines have been hailed as the greatest public health advance in the twentieth century. I have said from the outset of our investigation that I am not anti-vaccine. Rather I support the appropriate use of safe vaccines that have been thoroughly tested. I support improved information sharing with parents and patients regarding the benefits and risks of immunization and respect the concerns that have been raised by thousands of families across the United States about vaccine adverse events. I also support increased clinical research looking at the long-term safety of vaccines, including their potential link to chronic conditions such as autism, diabetes, attention-deficit disorder, and asthma.

Vaccines are the only drugs Americans are mandated to receive as a condition of attendance at day care and schools and in some

cases as a condition of employment. Because each state bases its mandatory immunizations on Federal recommendations, it is very important that adequate oversight be provided by Congress to insure the integrity of the vaccine programs.

At this time, there is a paucity of research looking at long-term safety of any vaccine. This was acknowledged last year in a report to Congress from the Institute of Medicine, ''Few vaccines for any disease have been actively monitored for adverse effects over long periods of time.

CONFLICT OF INTEREST ON VACCINE-RELATED ADVISORY COMMITTEES

The Committee investigated two vaccine-related advisory committees. We were concerned that the pharmaceutical industry has too much influence over these committees. From the evidence we found, I think they do. The first committee was the FDA's Vaccines and Related Biological Products Advisory Committee (VRBPAC). This Committee makes recommendations on whether new vaccines should be licensed. The second committee is the CDC's Advisory Committee on Immunizations Practices (ACIP). This committee recommends which vaccines should be included on the Childhood Immunization Schedule. We focused on the handling of the rotavirus vaccine. The FDA approved it for use in August 1998. The CDC recommended it for universal use in March 1999. Serious problems cropped up shortly after it was introduced. Children started developing serious bowel obstructions. The vaccine was pulled from the U.S. market in October 1999. We learned that during the FDA's committee meetings there was concern raised about adverse events. They were aware of potential problems. Five children out of 10,000 developed bowel obstructions. There were also concerns about children failing to thrive and developing high fevers, which as we know from other vaccine hearings, can lead to brain injury. Even with all of these concerns, the committee voted unanimously to approve it.

At the CDC's committee, there was a lot of discussion about whether the benefits of the vaccine really justified the costs. Even though the cost-benefit ratio was questioned, the Committee voted unanimously to approve it.

We learned that waivers had been granted to individuals who had financial ties to the industry. This is troubling. At the time the Rotashield vaccine was approved and recommended for universal use, the following conditions existed: (1) That members, including the chair, of the FDA and CDC advisory committees who make these decisions own stock in drug companies that make vaccines. (2) That individuals on both advisory committees own patents for vaccines under consideration or affected by the decisions of the committee. (3) That three out of five of the members of the FDA's advisory committee who voted for the rotavirus vaccine had conflicts of interest that were waived. (4) That seven individuals of the 15 member FDA advisory committee were not present at the meeting, two others were excluded from the vote, and the remaining five were joined by five temporary voting members who all voted to license the product. (5) That the CDC grants conflict-of-interest waivers to every member of their advisory committee a year at a time, and allows full participation in the discussions leading up to a vote by every member, whether they have a financial stake in the decision or not. (6) That the CDC's advisory committee has no public members—no parents have a vote in whether or not a vaccine belongs on the childhood immunization schedule. the FDA's committee only has one public member.

Families need to have confidence that the vaccines that their children take are safe, effective, and truly necessary. Doctors need to feel confident that when the FDA licenses a drug, that it is really safe, and that the pharmaceutical industry has not influenced the decision-making process. Doctors place trust in the FDA and assume that if the FDA has licensed a drug, it's safe to use. I am concerned that this trust has been violated.

We will be continuing this investigation in the 107th Congress to see if the problems have been resolved. Last week, every member of Congress received a well-meaning letter with an attachment addressing some of the ''anti-vaccine'' messages. The letter states the information was prepared by the Children's Hospital of Philadelphia. What the letter fails to inform members of Congress is that the document was prepared by a Center at Children's lead by someone with direct financial ties to the vaccine industry. I am concerned about this subterfuge. It is important that individuals who are promoting vaccine safety declare their conflicts of interest. To not do so, in my opinion is unfair to those who receive the information. This omission of corporate sponsorship calls into question the accuracy and balance of the information provided.

INSTITUTE OF MEDICINE'S MEASLES-MUMPS RUBELLA VACCINE AND AUTISM REPORT

The Institute of Medicine's (IOM) Committee on Immunization Safety Review released the ''Measles-Mumps-Rebella Vaccine and Autism Report'' in April. I was troubled by the headlines and news reports which all stated that the IOM Committee found no connection between the MMR vaccine and autism. The IOM Committee also noted in its conclusions that it could not exclude the possibility that MMR vaccine could contribute to Autism Spectrum Disorder. I would urge all of you to read the entire report, which is available on the National Academy of Sciences website.

THE REALITY IS THAT THERE WAS INSUFFICIENT SCIENTIFIC EVIDENCE TO CONCLUSIVELY PROVE OR DISPROVE A CONNECTION BETWEEN THE MMR VACCINE AND ACQUIRED AUTISM

We have substantial parental observation, which should never be discounted. And we have several case studies and laboratory evidence showing measles virus in the guts of autistic children who have bowel dysfunction. And we also have several population-level epidemiological studies. While the IOM Committee noted that the epidemiological studies do not support an association at a population level, their report stated, ''it is important to recognize the inherent methodological limitations of such studies in establishing causality.''

In essence, the studies that have been published and held up by the public health community as ''proof'' against Dr. Wakefield's hypothesis can never answer the question of whether or not MMR vaccine is linked to autism in some children. That is why we need to insist that the National Institutes of Health fund independent research to replicate Dr. Wakefield's research.

At this time, we do not have enough research to make an evidence-based final conclusion. What we have is a clear indication that a problem exists for some children. We need to do the research to get our arms around that problem, so that we can prevent any further escalation of this epidemic of acquired autism.

When the Institute of Medicine formed their Committee, we were assured that there were be no one on the Committee who had ties to the vaccine industry. I was disturbed to learn that the Committee sent this report out for review and comment prior to becoming final to numerous individuals who have ties to the vaccine industry including individuals with financial ties to the manufacturer of the MMR vaccine.

THE AUTISM EPIDEMIC

Two weeks ago, I stood in support of House Resolution 91, which recognizes the importance of increasing the awareness of autism spectrum disorders and supporting programs for greater research and improved treatment of austism and improved training.

Autism rates have skyrocketed. Conservative estimates suggest 1 in 500 children in the United States is autistic. However, those rates are dramatically higher in some places such as Brick Township, New Jersey, where the rates are 1 in 150.

In the first quarter of this year a child was diagnosed with autism every three hours in California. Last year, that rate was every six hours.

Indiana is seeking a similar trend in increased rates. One in 400 children in Indiana is autistic. Between December 1999 and December 2000, requests for special education services for children with autism went up twenty-five percent. That is a twenty-five percent increase in requests for taxpayer provided services in one year.

We have a national and potentially worldwide epidemic on our hands. It cannot simply be better reporting or an expanded definition of autism.

MY PERSONAL EXPERIENCE

Autism or Autism Spectrum Disorder is devastating to families. I know this from personal experience. My grandson, Christian, was born healthy and developed normally. His story is not much different than that of the thousands of families we have heard from

over the last year. He met his developmental milestones. He was talkative. He enjoyed being with people. He interacted socially.

Then Christian received his routine immunizations as recommended by the Centers for Disease Control and Prevention. His life changed dramatically and rapidly. He received five different shots and one oral vaccine all in the same day. We now know that many of these shots contained the mercury containing preservative, thimerosal. He may have been exposed to forty-one times the level of mercury than is considered safe by Federal guidelines for a child his size. This was on top of other mercury exposure from earlier vaccinations. This issue of having mercury in children's vaccine is a very troubling issue and I intend to continue this discussion in Special Orders every week.

Within ten days of receiving his vaccines, Christian was locked inside the world of autism. Is it related to the MMR vaccine? Is it related to the mercury toxicity? Is it the environment, including food allergies? Or is autism purely genetic?

As with any epidemic, we need to focus significant energy and research on containing it. We need to located the cause or causes. We need to be aggressive in developing and making available treatments for both the behavioral issues and the biomedical illnesses related to this condition. Last week I chaired two days of hearings to ask experts and public health officials how they have responded to this epidemic.

SHOW ME THE SCIENCE

Some of the scientists and public health officials that have come before the Committee would have us believe that a child's regression into autism within a short time of vaccination is purely a coincidence. However their opinion is not based on scientific evidence, but on their own desire to protect vaccine policy. In fact, our Government has funded very little research looking at the long-term safety of vaccines and has funded no clinical research looking at the potential connection between autism and vaccines.

I don't want to leave the impression that I am an ''anti-vaccine'' because I am not. Vaccines against serious infectious diseases such as polio and smallpox have saved thousands of lives. I support the use of needed vaccines that have been thoroughly evaluated for safety and efficacy and have been tested extensively.

As Chairman of the Government Reform Committee, I have conducted several hearings on vaccine safety issues and the potential connection between childhood vaccines and the autism epidemic. We have heard from a lot of witnesses on both sides of the issue. One common thread in testimonies of dozens of witnesses is that to date there is a very little research in this area.

Autism and vaccine safety are both very important issues. There is a lot of research that needs to be done to get answers about the causes of autism and whether or not the MMR vaccine and thimerosal-containing vaccines are linked to the onset of acquired autism. Our health agencies can no longer hide their heads in the sand and refuse to acknowledge that we have an epidemic and that in our well-meaning desire to protect the public at large from infectious diseases, that we may have created this epidemic of a chronic and life-long disease.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 622, HOPE FOR CHILDREN ACT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107–67) on the resolution (H. Res. 141) providing for consideration of the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for our purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. JOHNSON) is recognized for 5 minutes.

(Mr. JOHNSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

(Mr. SHOWS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENERGY PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, today I am pleased to join my colleagues in addressing the serious issue of rising energy costs.

Today in Rhode Island, the average price of one gallon of regular unleaded gasoline reached $1.77, almost 5 cents above the national average and a record high in my State.

Thousands of my constituents depend on their automobiles to get to their jobs each day and simply cannot afford the drastic increase in gas prices that they are being forced to pay.

Additionally, this problem has a significant impact on Rhode Island's economy which relies heavily on summer tourism.

Increased gasoline costs threaten to discourage people from summer travel, which would have a disastrous effect on our communities.

Mr. Speaker, we need a solution to this problem now. I have contacted the administration and insisted that any energy strategy that they develop must help American consumers by lowering gas prices.

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Both the President and the Vice President have extensive experience and contact in the oil industry. I am certain that, if properly motivated, they could find a way to lower gasoline prices and bring relief to Americans that have been hardest hit by this price spike.

Our national energy strategy must also incorporate technologies to improve vehicles' fuel efficiency standards in order to reduce our runaway consumption of oil and gasoline.

For example, by requiring SUVs to simply meet fuel efficiency standards of passenger cars would reduce U.S. oil consumption by 1 million barrels per day, approximately the daily estimated oil yield from drilling in the Arctic National Wildlife Refuge.

Even though the technology currently exists to make our Nation's cars and SUVs more fuel efficient, Congress has blocked the establishment of higher standards since 1995.

Mr. Speaker, I intend to work with my colleagues in Congress to increase fuel efficiency standards, not only to cut our consumption of oil and gasoline, but also to reduce emissions of carbon dioxide, the greatest contributor to global warming.

I am optimistic that the United States will take advantage of our current energy debate to develop a forward-thinking plan for the future. We must establish an energy strategy that addresses short-term and long-term problems, is environmentally responsible, and truly benefits the American consumer as well as the future of this world.

ENERGY CRISIS AND FUEL PRICES

The SPEAKER pro tempore (Mr. GRAVES). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, in my district in New Jersey, the average price for unleaded gasoline is $1.72 this month. The Energy Information Administration report shows that the average price in New Jersey was $1.14 at

this time last year. This is a 50 percent increase in one year, yet I assure my colleagues that New Jersey is not seeing the worst of the gasoline price increases. Prices in many parts of California are well over $2, and price fluctuations in the Midwest have been dramatic.

But, unfortunately, Mr. Speaker, when we talk about the energy crisis and the increase in gasoline prices, President Bush's answer has been, and he delivered this just last Friday, he said, ''The best way to make sure that people are able to deal with high energy prices is to cut taxes, is to give people more of their own money so they can meet the bills, so they can meet the high energy prices.''

Mr. Speaker, I understand that we just heard today that tomorrow President Bush's tax cut bill, the reconciliation bill, is going to come to the floor. But I assure my colleagues that that is not the answer to gasoline prices.

He is talking about a tax cut so that Americans can go out and pay the $2 to $3 per gallon price of gasoline. But let us look at this. The President proposes that Congress act quickly to pass the tax cut so the Federal Government can refund American families a modest tax refund so they can in turn put gasoline in their vehicle.

Well, he is not proposing a solution. He is just again displaying a lack of leadership and his alliance essentially with the oil and petroleum industry. What he is proposing with his tax cut is just another way to assist the industry, his friends.

The interesting thing, Mr. Speaker, is that, if one looks at the message that President Bush is delivering today and one compares it to the one he delivered when he was a candidate last year, in January 2000, when heating oil prices were soaring in key campaign States and spot prices were $27 per barrel, then Candidate Bush said, ''What I think the President ought to do is he ought to get on the phone to OPEC, the cartel, and say we expect you to open your spigots.''

Well, why is President Bush changing his position. Even today, Vice President CHENEY was out saying he does not support increases in OPEC oil production. The Secretary Abraham was quoted a couple weeks ago saying that he was not going to give into or lower himself, I think the word was, to talk to OPEC about oil production because that would somehow lower his quality, his status as Energy Secretary.

President Bush has also said he will not release any oil from the SPR, the Strategic Petroleum Reserve. Both the Clinton administration and the first President Bush, his father, George W.'s father, successfully released oil from the SPR, from the reserve, to calm energy markets.

In fact, President Bush's decision not to take action, I think, is essentially unilateral disarmament in talks with oil producing countries. We know last year President Clinton was very effective, I thought, in using the SPR as a tool, if you will, to try to bring prices down.

The other thing that President Bush has talked about as a long-term solution, of course, is to build more refining capacity. But I think he misses the point because it does not help the consumer today. The interesting thing about Bush's policy and CHENEY's policy is that they are not talking about the problem that Americans face today. We have blackouts. We have oil prices, gasoline prices rising dramatically. American motorists are spending too much on gasoline. They want a solution now.

The President talked refineries, but he did not talk about the effect of refinery consolidation. While the number of refineries has decreased, the refinery capacity has increased. Part of the problem that we witness today is this consolidation, is the size of the refinery has increased. Any problem in the refinery, like a fire, for example, that affects production has a greater impact on supply and price.

I just wanted to mention I have a number of speakers tonight who are joining me, my colleagues on the Democratic side. I do not want to take up much more time before I start yielding to them, but I did want to talk a little bit before I finish the introduction here to our special order that we have tonight to mention mergers in the oil industry, because I also think that that is something that needs to be investigated and looked at, and it is not being looked at by this administration.

Recent company mergers include a $7.49 billion deal in which Tosco recently agreed to be purchased by Philips Petroleum, and Valero will acquire Ultramar Diamond Shamrock for $3.91 billion.

In a letter I recently sent along with the gentleman from Wisconsin (Mr. BARRETT), we requested that the administration, specifically the Department of Energy and the FTC, the Federal Trade Commission, carefully review these mergers to assure that they do not unfairly disadvantage independent marketers.

While mergers like BP and Amoco or Exxon and Mobile may be good for business, I am concerned about the impact on consumers. Exxon-Mobile this year reported $5 billion in record profits over the last year. Valero alone had a 2,272 percent increase in profits from 1999.

There are real solutions, and Democrats have the real solutions. But those solutions are not found in President Bush's energy plan.

Let me just mention a couple of things that we can do. First, we need to review the effect that mergers have on the price of gasoline. Second, I strongly believe that we need to find innovative ways to reduce demand. Conservation and energy efficiency are vital components of reducing prices of gasoline at the pump, and these ideas must be part of our Nation's energy use strategy.

But, unfortunately, President Bush does not really think about this. Last week, he announced that he would abandon the 2004 goal set to develop a five-person vehicle that would get 80 miles per gallon. The Federal Government has spent $1.4 billion on this initiative, and last year the National Academy of Scientists called the program an outstanding effort. But now this program aimed at reducing the future demand on gasoline has been put on hold.

American demand for gasoline is 8.6 million barrels per day. Sport utility vehicles, pickups and minivans account for 43 percent of the vehicles on the road today, up from 30 percent in 1990. Because of this increase, the current fuel efficiency in the U.S. has dropped to its lowest level since 1980.

Today the standard for passenger cars is 27.5 miles per gallon, and for light trucks it is 20.4 miles per gallon. This standard has not changed since 1990. We need to address fuel consumption and create 21st century solutions to meet our 21st century users.

I know that a number of my colleagues have been taking the lead on this, particularly some of the newer Members. I know that the energy crisis has been particularly bad in California.

I yield first to the gentlewoman from California (Mrs. DAVIS), one of my colleagues.

Mrs. DAVIS of California. Mr. Speaker, I appreciate the gentleman from New Jersey (Mr. PALLONE) bringing this to our attention, and it gives me an opportunity to speak particularly about the situation in San Diego.

San Diego families and businesses have been devastated with soaring energy prices since last July, and so now we are faced with rising gasoline prices. Here, too, San Diego was first with the most, not the distinction that we would necessarily like. Prices are almost always 10 percent higher than neighboring Los Angeles. With these prices soaring across the county, San Diego is still at the head of the parade.

Much attention has been focused on issues of supply and demand, and these are important. But there are other predatory practices that crank up the price at the pump.

In August of 1998, as chair of the California Assembly Consumer Protection Committee, I held hearings on the causes of high gasoline prices and why they are so particularly affected in my community of San Diego. We learned a lot during these hearings. We learned about mini-marketing techniques that control the supply. We learned that there are practices where companies sell the same gasoline to different outlets at different prices and discriminate against some communities.

These practices now are being challenged in the Wholesale Motor Fuel Fairness and Competition Restoration Act that is being authored by the gentleman from California (Mr. THOMPSON), and I am very happy to be a cosponsor of that. There are several

things that this legislation will do, and I hope that my colleagues will join me in working with the gentleman from California (Mr. THOMPSON) on them.

One, they require that petroleum producers reveal their pricing structure. It seems like a sensible thing to do that will be helpful to consumers to know.

Two, it would make it illegal for companies to discriminate on price regardless of who is purchasing it.

Third, it will mandate that the Federal Trade Commission study the relationships between ownership of gas stations and the high price of motor fuel. I think all of these elements of this legislation are needed and will make it more difficult for oil companies to practice what we consider price zoning, redlining, and discriminatory wholesale pricing.

It is only right that consumers know how rebates, refunds, and discounts to dealers affect the prices that they pay at the pump. I think we now have an opportunity and we now should shine the spotlight on how gas is priced so we can then return to competitive pump prices.

Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for bringing these issues to our attention.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from California (Mrs. DAVIS), and mention, which I am sure some people already know, that certainly the Democrats today, our Democratic leadership, announced an energy policy program under the auspices of the House Democratic Caucus, our energy task force.

There are a number of provisions in there that I think are very good. But one of them specifically says with regard to price gouging that we would instruct the Justice Department to aggressively investigate energy pricing to assure that illegal price fixing does not occur and to give thorough antitrust reviews to any proposals to further consolidate energy companies.

I know that the gentleman from Missouri (Mr. GEPHARDT), our leader, was out there with the gentlewoman from California (Mrs. DAVIS) in San Diego, with some of our other colleagues from California, Southern California. We have been basically saying that we have got to look at this problem overall. Price gouging and gasoline prices are an important part of this.

We still do not have the President's or the Cheney proposal. That is supposed to come out Thursday. But so far every indication that we have got from President Bush and Vice President CHENEY is that they simply do not want to do anything about gasoline prices. It is just not their problem. I cannot imagine that, with all the problems that one faces in California with regard to blackouts and the overall energy crisis, that anybody is happy to hear that we are going to not address gas price problem.

Mrs. DAVIS of California. Mr. Speaker, it is really adding insult to injury, I think, out in the West. When we have seen the energy prices going up 900 percent, people want to know where that is coming from.

I think, when it comes to gasoline prices as well, I know in the San Diego community, we have looked to our neighbors. We do not have to travel that far. I took trips every Sunday when I used to visit my dad actually in Orange County, and we knew where to fill up because gasoline prices were about 35 cents less.

□ 1930

Now we are seeing high prices throughout the State, but we still have some communities that seem to be affected more than others.

Mr. PALLONE. And in New Jersey we have the phenomenon whereas after Memorial Day, and I represent the shore area, everybody is going to be paying these higher prices when they have to travel to the shore or to the beaches. I know some might say that people do not have to go on a vacation; but obviously, that is not the answer. I just cannot believe that the President and the Vice President simply do not see this as a problem and think that somehow a tax cut is going to help that.

I want to thank the gentlewoman for being here. I know she has been taking her leadership in her home State on this issue. Thanks.

Mrs. DAVIS of California. I thank the gentleman.

Mr. PALLONE. Mr. Speaker, I now wish to yield time to my colleague from Arkansas.

Mr. ROSS of Arkansas. Mr. Speaker, I thank the gentleman for yielding to me.

Currently, Arkansas residents pay on average $1.69 per gallon of mid-grade gasoline. Thousands of my constituents depend on their cars to get to and from their jobs or on tractors or equipment to tend to their farms each and every day. I live in a very rural district, and they simply cannot afford the drastic increase in gas prices that they are being forced to pay.

With the summer season expected to be as hot as last year, we will probably have in Arkansas a drought for the fourth year in a row, and I anticipate that we are headed for a repeat of last year's overheated oil prices, the highest since 1990. In fact, we have already seen indications that the price is growing steadily.

A recent national survey shows that the price of gasoline has skyrocketed 17 cents in the last 4 weeks alone, bringing the national average to $1.82 a gallon. These prices are unjustified, and our response to bring these prices down must be immediate. I call on the President and the administration to tell OPEC to increase their levels of oil production, which they cut as recently as March by a million barrels a day. It is wrong that a handful of foreign countries can get together and have a lot to do with dictating the price of gasoline at the pumps in south Arkansas.

Our reliance on foreign oil has been steadily increasing. We must concentrate on increasing our domestic energy supplies and strengthening our energy infrastructure, and we must guard consumers against potential price gouging by the big oil companies.

Now, the President, as recent as late last week, said that we needed a tax cut to pay for gasoline. Now, Mr. President, I have a problem with my constituents paying $2 or $3 a gallon for gasoline. Yes, Mr. President, we need a tax cut. We need a tax cut for working families to help them make ends meet, to help them pay for child care and, yes, to help them send a child to college. We do not need a tax cut to pay for gas. We need to bring the prices of gas back down.

America's economic prosperity and national security have come to depend on the availability of reliable, affordable energy. We need a balanced, long-term energy policy, not one built for the past, as the administration is putting forth. We need a proactive energy policy for the future, one that helps consumers by increasing energy production while reducing energy demand; one that stresses the importance of conservation, building more energy-efficient products and developing more renewable and alternative fuel sources, the kind that can create new markets for our struggling farm families in south Arkansas.

The production, generation, and distribution aspects must all be done with greater efficiency. Research and development in new energy technologies that increase conservation in all areas are imperative. In addition, we need to expand other energy sources, such as wind, solar and hydroelectric. Renewable energy sources may not be an immediate answer to our energy crisis, but they are certainly important for the long term as fossil fuel sources continue to diminish. These emerging technologies will need Federal support if we are to finally achieve energy independence.

We must look at all available options to solve this complicated crisis. But whatever we do, we must guarantee that drivers in south Arkansas and all across America will pay less when they fill up.

Mr. Speaker, I yield back to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I thank my colleague from Arkansas. It is really almost incredible to think that the President and the Vice President do not understand what needs to be done now to address the problem with the gasoline prices.

I was just looking at some of the statements that were made here. This is from Vice President CHENEY, May 11, I guess just a week ago, in USA Today. He said, "There's not much we can do in the short-term." And he goes on to talk about everything they are going to come out with, theoretically this

Thursday, is long term. Then it says that they apparently have been warning Republicans on Capitol Hill that the energy policy to be released will do little to help with gas prices or California blackouts this summer.

To me, it is incredible to think that they are not looking to at least talk to OPEC and say, look, do something here. These are countries where I think we have a lot of clout and the ability to influence their policy because they depend on us for so many things. The same thing with the SPR. I cannot believe there was so much discussion last session about the SPR and the ability to use that as a sort of a hammer to force prices down and to force more production of OPEC, and yet so far they are not willing to do it.

The gentleman obviously has the same problem leading up to Memorial Day and the summer in Arkansas that we have in New Jersey, and I just know that a few more weeks of these price increases, and it is already almost the number one issue on people's minds, but I do not know how we are going to be able to go back from Congress and say Washington is not doing anything about it. It is just incredible.

I want to thank the gentleman for participating and we are obviously going to be doing a lot more of this. Thanks.

Next, Mr. Speaker, we have, from my neighboring State of New York, and I imagine he has the same phenomenon with people leaving to go to Long Island for the start of Memorial Day weekend, the gentleman from New York.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for his time and his important leadership on this very vital issue.

Mr. Speaker, last week gas prices on Long Island rose 9 cents per gallon in the span of a single week, and this year alone OPEC has cut its production twice already. I think it is absolutely outrageous that the same countries that we defend time after time are gouging Americans at the pump.

Now, last summer, then Governor Bush said that when he was President, if gas prices increased, he would simply get OPEC on the phone and tell them to turn on the spigot. Well, Mr. President, it is time to make that call. We cannot wait any longer. And when OPEC reconvenes again in June, they have to know that we will no longer tolerate this price-fixing cartel behavior that is punishing Americans at the pump.

At the same time, however, while we are talking a tough line towards OPEC, we have to reduce our dependence on foreign oil. I have been working with some of my colleagues to draft a Tax and Energy Cost Relief Act that will provide working families with tax credits and deductions that will help them purchase energy-efficient equipment and technologies. Now, that is going to reduce taxes, it is going to spur the economy by encouraging people to go and purchase new energy-efficient products, it is going to improve our environment, and it is going to reduce our long-term dependence on foreign oil.

Taking a hard line with OPEC and expanding tax incentives is the smart way to reduce the price of gas while providing relief to working families and decreasing our dependence on foreign oil. It is time for a coherent, effective, comprehensive policy to get gas prices down; and I look forward to working with the gentleman from New Jersey to reach that goal.

Mr. PALLONE. Mr. Speaker, I thank my colleague from New York. I know we are both in the New York metropolitan area, so we share the same concerns and we hear the same complaints from our constituents.

I just wanted to mention, if I could, that the Democrats' energy policy paper was released today, wherein our leader, the gentleman from Missouri (Mr. GEPHARDT), and the gentleman from Texas (Mr. FROST), who is the chairman of the caucus and also the chairman of the task force that put this together, talked about two major tax credits along the lines of what the gentleman just discussed; and I wanted to mention them briefly, if I could.

There is this best energy savings tax credit, which is basically a consumer tax credit for up to $4,000 provided for new homes, in other words, a $4,000 credit for purchase of a new home based on the energy efficiency of the new home. And then similarly with regard to home improvements, 20 percent of the cost up to $2,000 based on the measures taken by the consumer. And there is a separate one for vehicles that an individual could get a credit up to $4,000 based on fuel savings or other performance standards when they purchase a car or a light truck or SUV equipped with these new fuel saving technologies.

And then for businesses, the Democratic proposal has what they call a SAVE incentive, structure and vehicle efficiency tax incentive; and this provides up to a 30 percent investment tax credit for business investment in renewable energy generation and allows businesses to take a deduction for increasing energy efficiency.

These are the kinds of conservation measures linked to new technology that we need, and I know that is what the gentleman was talking about. And I think the great part of what the Democrats put forward today in our energy proposal is that it deals with the high price of gasoline, which is an immediate concern; it deals with conservation; it deals with efforts to use tax credits and deductions for conservation; and, at the same time, it has measures to increase energy production.

So we are looking at this universally, in a sort of a well-rounded way, whereas all we get from the Bush-Cheney administration is just pump; let us pump more oil, let us pump more, and that is going to solve all our problems. But that is not going to solve our problems, particularly in the short term.

Mr. ISRAEL. If the gentleman will yield, about 2 weeks ago, five Federal laboratories issued a report that said if we can encourage weatherization and encourage energy-efficient technologies and energy-efficient consumer products, we will not have to build the 1,300 power plants that the administration is proposing; that we would not have to drill the Arctic reserve that the administration is proposing; we would not have to degrade our environment. And those are the kinds of technologies and efficiencies that we ought to be pursuing.

Now, these were not Democratic Federal laboratories or Republican Federal laboratories; they were Federal laboratories that have been looking at this, and we need to heed their advice.

Mr. PALLONE. The amazing thing that I find is that even my own utilities, during Earth Day myself and my other Democratic colleagues in the House did a bus tour around the State, and one of the places we went, I think it was in the district of the gentleman from New Jersey (Mr. PAYNE), was a generating facility in Linden, which was building a new plant that would reduce carbon dioxide and other emissions by 30 percent.

Here are these utilities, and this is the business community, telling us that they can address carbon dioxide emissions effectively at the same time that the Bush administration tells us they do not want to regulate it. So the President is just not being realistic about what can be done. He is sort of living in the past, in my opinion; and it is very unfortunate.

I want to thank the gentleman.

Mr. ISRAEL. I thank the gentleman.

Mr. PALLONE. Mr. Speaker, next is my colleague on the Committee on Commerce who has been involved in these energy issues for a long time, and I know that our committee has taken up some legislation, but so far the Republicans have not really been helping us very much in terms of addressing the California situation. I yield to my colleague from Ohio.

□ 1945

Mr. STRICKLAND. Mr. Speaker, I thank my colleague from New Jersey (Mr. PALLONE), and I would like to take a few moments to talk about my district in southern Ohio, because as I have heard my colleagues discuss gas prices in their districts, I was thinking gas prices are so much higher in my poor, rural district.

But first, I would like to say some things about the President and his justification for this tax cut, 43 percent of which will be going to the richest 1 percent of the people in our country. Last summer during the campaign he said we needed this large tax cut simply because we had a huge surplus, and this surplus, rather than being spent on government programs, should be returned to the taxpayer. That was the justification a year or so ago.

Then just 2 or 3 months ago, he was justifying this huge tax break, most of which is going to the very wealthy, by saying our economy is entering a period of slump and perhaps moving into a recession, so we need a tax break to generate activity within our economy and keep us from going into a recession. Lo and behold a couple of days ago I was flabbergasted to hear the President say we need a tax cut so people can spend it on gasoline so that my friends in the oil industry can reap the benefits of the tax cut, basically. It is just beyond belief that we would have such shallow, superficial thinking going on when the Nation is facing a very serious problem.

My colleague said he thinks this concern about gas prices may be near the top of people's concerns. I can tell my colleagues after having gone home to southern Ohio for the last several weekends, in my district it is the primary concern. I can go nowhere in my district without meeting people who are saying to me, Congressman, what can you do about these gasoline prices?

I can tell you this weekend the cheapest gasoline I could find in southern Ohio was nearly $1.86 per gallon. That was for the cheapest grade, and the premium was over $2 a gallon.

Mr. Speaker, another thing that troubles me, these prices fluctuate overnight. Especially as we move toward the weekend, this happens regularly. As we are moving toward the weekend on Thursday night or Friday morning, prices may escalate 10 or 15 cents or more overnight. This happens weekend after weekend.

Now, the American people are fairly wise, and they know when they are being taken advantage of. I believe that there is a quiet but growing anger throughout this country. Those of us in political office who are supposed to be representatives of the people are going to pay a heavy price if we do not deal with this issue. The American people are being gouged. They are being charged unfair prices, and they feel hopeless and helpless; and they are looking to Washington for some relief.

Mr. Speaker, to have the President say there is nothing we can do, to have the Vice President say there is nothing we can do is not acceptable. We must do something. I have been trying to search for solutions. I think we should even consider the possibility of a windfall profit tax to be levied on these companies that are gouging the American public.

Last summer in the early summer, myself and the two Senators from Ohio, Senator VOINOVICH and Senator DEWINE, both Republican Senators, met with the Federal Trade Commission. We were concerned at that time with what was happening with escalating gasoline prices, and we asked them to look into the situation and try to determine if something illegal was happening, if collusion was occurring between the oil companies.

Finally, after several months of looking at this, they came out with a report. The report stated that it was not possible for them to establish indications of collusion which would be illegal, but that there was some strong indication that some of these companies were purposefully withholding supplies in an effort to drive up prices.

Now, I want to say a word about supply. I do not like the fact that OPEC has cut back on supplies. The fact is we used our national resources, we put our sons and daughters in danger to protect Kuwait and to keep that part of the world relatively free of the threat of Saddam Hussein. We are supposed to be friendly with Mexico. It troubles me that these companies that use our support and use our protection and use our resources, when they find themselves in need would be so terribly insensitive to the situation facing this country that they would cut back on supplies.

But it troubles me even more, Mr. Speaker, that our President is unwilling to expect something out of these OPEC nations that we as a Nation have a right to suspect. It troubles me that he will not urge and insist that they increase their production. Having said that, I suspect that the problem is not a supply problem right now in the immediate future, but the problem is a pricing problem. I do not see any stations running out of gasoline or lines of people waiting to get gasoline. We can buy as much gasoline in southern Ohio as we are willing to pay for. The problem is that we are simply being charged too much.

Mr. Speaker, I believe there will be a price to pay, regardless of whether or not we are Democrats or Republicans, or from what part of the country we come. If we do not do something to give relief to the American public, the American public has every right to seek retribution against us at the polls. The American people are patient and tolerant, and I think they are wise; but they also get tired, and there is a line beyond which we must not cross. We owe them protection.

I urge the President, I urge the leadership of this House to assume the responsibility that we rightfully have as representatives of the people and think of the various ways in which we can take action to bring some immediate relief this spring, this summer to the American people.

I wanted to share those thoughts with my colleagues, Mr. Speaker, because I know that the American people are paying attention to what we are doing up here, and I think they are also paying attention to what we are not doing up here. I urge all of my colleagues to address all of these issues.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Ohio for what he said. He mentioned two things that I want to elaborate on. First, about the Bush administration's inaction on the price of gasoline.

Mr. Speaker, I often find myself quoting the Vice President because he seems to be the one who speaks more often on this issue, maybe on most issues, but certainly on this issue. Reading something from Reuters today where Vice President Mr. CHENEY said, ''Record high U.S. gasoline prices cannot be blamed on the global price of crude.'' In an interview with Reuters, Cheney also said, ''Jawboning OPEC to increase production and reduce the price of crude would have market consequences.'' I do not know what he means by that. He says that if the United States talked OPEC nations into increasing production, thus dropping the price of crude, the end result could be a slowing in investment by oil companies.

Mr. STRICKLAND. Mr. Speaker, the fact is that the oil companies are recording record profits. The oil companies are getting the profits which they ought to be using to invest in new technologies and in new resources. We ought not to feel sorry for the oil companies. They are doing very well. But I tell you who I feel sorry for. I have got residents in my district who drive one way 85 or 95 miles to work so that they can have a job to support their families. They do that day in and day out, and some of them year in and year out. They are going to the pumps, and they are paying $1.86 up to $2 per gallon to put gasoline in their tanks simply so they can go to work and earn a living. We have got a responsibility to do something about that. It just really, really troubles me.

When someone runs for the Presidency, they assume responsibility. The President has a responsibility to the American people to provide leadership and to protect them from being gouged by the oil industry. That is his responsibility. If he did not want to accept that responsibility, he ought not to have sought the Presidency. There is a burden that comes with an office. We share it here in this House, but the President and the Vice President share it as well. They have got a responsibility to step up to the plate to say what is happening is wrong and to take steps to make sure that the American people are protected.

Mr. Speaker, I do not think that we can overestimate the anger of the American people on this issue, and it is going to grow as we enter into the summer months and gasoline goes from $1.86 to $2 and beyond. That is when we are going to see the strong feelings of the American people directed toward us. That is one of the reasons to act. The real reason we should act is because it is the right think to do for our constituents. But even if we did not care about the well-being of our constituents, if our only unworthy motive was our political survival, we ought to care.

Mr. Speaker, I hope the President and the Vice President and the leaders of this House are listening to this debate because the American people are expecting action.

Mr. PALLONE. Mr. Speaker, I totally agree with what the gentleman said. I was looking at this last statement which I read where the Vice

President said if the U.S. talked OPEC nations into increasing production, thus dropping the price of crude, the end result could be a slowing in investment by oil companies. It is almost as if he is saying that it is a good thing that the prices are going up because that gives them more money to invest, which is incredible.

Mr. STRICKLAND. I think his actions indicate that he is happy with the high prices. To say that the answer to the high prices is just for the American citizen to get a tax break so he can then take that tax break, use it to pay these high prices so that the oil companies will get their profits, that is very troubling to me.

Mr. PALLONE. I agree. It is incredible to think about the reasoning that goes behind it.

The second thing which was mentioned is the profits that the companies are getting. There is a chart here that I have that says that while consumers face spiking energy prices, many oil, gas and power companies post record profits. For example, Exxon-Mobil reaped nearly $18 billion in profits last year, up more than 120 percent over the previous year.

This has a chart, and I will just give a few of them. It has Exxon-Mobil profits, increased from 1999 124 percent; British Petroleum-Amoco increased 54 percent; Chevron increase in profits over the year, 151 percent; Hess, which is in New Jersey, increase of 234 percent; Texaco, an increase of 116 percent. It is just incredible to see how much money they have been making.

Mr. STRICKLAND. Their profits are enormous. The supplies are there; otherwise we would not be able to go to the pump and buy the gasoline. I know of nowhere in this country where there seems to be a shortage of gasoline at this time. There is all of the gas that we want to buy if we are willing and able to pay for it. How much profit is enough? How much profit is it going to take to encourage the oil industry to innovate and to do those things that they need to do to bring more supplies to market?

Mr. Speaker, if I felt that there was a true shortage of supply, then there may be some reasonable expectation that prices would escalate. But what we have now is apparently a sufficient supply; but ever-increasing costs and ever-increasing profits; and we have got a President and a Vice President who seems to think that is okay. That is very troubling.

Mr. PALLONE. Mr. Speaker, I do not want to prolong what we say necessarily, but I want to mention again that the Democrats came out today with an energy policy and principles. Obviously, we did this a couple of days before we hear the final report that is going to come out from the Vice President which will express the President's position. I am very proud of what we did today because it basically addresses each of the issues that I think that the public is concerned about, both short term and long term.

If I can just review it and then we can finish our Special Order. First of all, it specifically deals with the problem of prices going up now, first of all, by asking that the President put pressure on OPEC to increase production and lower prices and to use the SPR, the strategic petroleum reserve, and to investigate the price gouging by the biggest companies.

□ 2000

Then it has with regard to energy efficiency, what I mentioned, these best tax credits for both consumers and businesses to improve energy efficiency, to use renewables; and then we also have emergency funding to help low- and fixed-income families meet the rising cost of home heating and cooling bills, basically supplemental to the LIHEAP program which helps people with their energy bills. We have the price caps imposed on wholesale electricity prices in the West, which I think is necessary. That is something that we are going to be addressing in our committee next week when we get the energy bill that comes up. We also have strong provisions to protect the environment. We are saying that you can increase production, but you have to do it in a way that protects the environment.

One of the things I would note is that during the 8 years of the Clinton administration, there actually was a significant increase in production; but they were not drilling in ANWR and other sensitive areas. What we are really doing, I think, is investing in the future. We are trying to come up with ways to encourage conservation, do things more efficiently, increase production but at the same time address this real problem that exists now both with the energy crisis where you have blackouts, electricity blackouts, as well as with the high price of gasoline. All those things have to be looked at as the gentleman pointed out. I want to thank him, and I want to thank the rest of my colleagues for joining me this evening.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAVES). The Chair reminds all Members that remarks in debate should be addressed to the Chair and not to others outside the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 1 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2340

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 11 o'clock and 40 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–68) on the resolution (H. Res. 142) providing for consideration of the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Ohio (at the request of Mr. GEPHARDT) for today on account of a family emergency.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. COX) to revise and extend their remarks and include extraneous material:)

Mr. ENGLISH, for 5 minutes, May 16.

Mr. SAM JOHNSON of Texas, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, May 16 and 17.

Mr. WELDON of Florida, for 5 minutes, May 17.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 166. An act 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; to the Committee on the Judiciary; in addition to the Committee on Government Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 16, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1915. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sucroglycerides; Exemption from the Requirement of a Tolerance [OPP–301119; FRL–6778–9] (RIN: 2070–AB78) received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1916. A letter from the Attorney-Advisor, Division of General and International Law, Department of Transportation, transmitting the Department's final rule—Audit Appeals; Policy and Procedure [Docket No. MARAD–2000–8284] (RIN: 2133–AB42) received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1917. A letter from the Federal Register Liaison Officer Alternate, Department of the Treasury, transmitting the Department's final rule—Conversion from Stock Form Depository Institution to Federal Stock Association [No. 2001–34] (RIN: 1550–AB46) received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1918. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Guidance to Broker-Dealers on the Use of Electronic Storage Media under the Electronic Signatures in Global and National Commerce Act of 2000 with Respect to Rule 17a-4(f) [Release No. 34–44238] received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1919. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Recordkeeping Requirements for Transfer Agents [Release No. 34–44227; File No. S7–17–99] (RIN: 3235–AH74) received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1920. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of the Redesignation of Shelby County, Tennessee, to Attainment for Lead [TN 240–1–200103a; FRL–6974–6] received May 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1921. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Ozone; Beaumont/Port Arthur Ozone Nonattainment Area [FRL–6976–1] received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1922. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Identification Rule: Revisions to the Mixture and Derived from Rules [FRL–6975–2] (RIN: 2050–AE07) received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1923. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Storage, Treatment, Transportation, and Disposal of Mixed Waste [FRL–6975–1] (RIN: 2050–AE45) received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1924. A letter from the Deputy Director, Institute of Museum and Library Services, transmitting the FY 2000 Annual Program Performance Report; to the Committee on Government Reform.

1925. A letter from the Inspector General, International Trade Commission, transmitting the Semiannual report of the Inspector General of the International Trade Commission for the period of October 1, 2000, through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1926. A letter from the Acting Chairman, Securities and Exchange Commission, transmitting the Commission's Government Performance and Results Act Annual Performance Plan for FY 2002 and the Annual Performance Report for FY 2000; to the Committee on Government Reform.

1927. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Missouri Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. MO–033–FOR] received May 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1928. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Oklahoma Regulatory Program [SPATS No. OK–025–FOR] received May 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1929. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—American Lobster; Interstate Fishery Management Plans; Cancellation of Moratorium [Docket No. 010125024–1089–02; I.D. 121500D] (RIN: 0648–AO88) received May 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1930. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No 010112013–1013–01; I.D. 042501D] received May 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1931. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Emergency Medical Equipment [Docket No. FAA–2000–7119; Amendment No. 121–280 and 135–78] (RIN: 2120–AG89) received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Emergency Exits [Docket No. 28154; Amendment No. 121–283] received May 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1933. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Temporary Reduction of Registration Fees [Docket No. RSPA–00–8439 (HM–208D)] (RIN: 2137–AD53) received May 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 622. A bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; with an amendment (Rept. 107–64). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 1727. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; with an amendment (Rept. 107–65). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 586. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes; with an amendment (Rept. 107–66). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 141. Resolution providing for consideration of the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes (Rept. 107–67). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 142. Resolution providing for consideration of the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002 (Rept. 107–68). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 1 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. LARSON of Connecticut (for himself, Mr. STUPAK, Mr. CAPUANO, Mr. FILNER, Ms. LEE, Mr. HONDA, and Mr. WYNN):

H.R. 1829. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut (for himself and Mr. WELDON of Pennsylvania):

H.R. 1830. A bill to ensure the energy self-sufficiency of the United States by 2011, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR (for himself, Mr. PALLONE, Mr. DUNCAN, Mr. DEFAZIO,

Mr. SHIMKUS, Mr. DINGELL, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. TAUZIN, Mr. STUPAK, Mr. OTTER, Mr. PASCRELL, Mr. EHRLICH, Mr. TOWNS, Mr. THUNE, Mr. BLUMENAUER, Mr. GREENWOOD, Mr. GORDON, Mr. LOBIONDO, Mr. HOLDEN, Mr. LARGENT, Mr. DEUTSCH, Mr. FERGUSON, Mr. BARCIA, Mr. BILIRAKIS, Mr. SAWYER, Mr. PETRI, Mr. SANDLIN, Mrs. BONO, Mr. JOHN, Mr. BOEHLERT, Mr. FILNER, Mr. WALDEN of Oregon, Mr. DOYLE, Mr. COOKSEY, Mr. MASCARA, Mrs. WILSON, Mrs. CAPPS, Mr. BAKER, Mr. RAHALL, Mr. BASS, Mr. STRICKLAND, Mr. JOHNSON of Illinois, Mr. BERRY, Mr. BLUNT, Mr. BROWN of Ohio, Mr. GILCHREST, Mr. BARRETT, Mr. BUYER, Mr. HORN, Mr. EVANS, Mr. SIMMONS, Mr. KIND, Mr. EHLERS, Mr. SPRATT, Mr. SHERWOOD, Mr. LIPINSKI, Mr. BACHUS, Mr. SHOWS, Mr. SWEENEY, Mr. GARY G. MILLER of California, Mr. REYNOLDS, Mr. CRAMER, and Mr. MCHUGH):

H.R. 1831. A bill to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. SHADEGG, Mr. WYNN, Mr. GRAHAM, Mr. HALL of Texas, Mr. DEMINT, Mr. CLYBURN, Mr. HASTINGS of Washington, Mr. SPRATT, Mr. NETHERCUTT, Ms. DUNN, Mr. RADANOVICH, Mr. BURR of North Carolina, and Mr. BROWN of South Carolina):

H.R. 1832. A bill to improve the Federal licensing process for hydroelectric projects; to the Committee on Energy and Commerce.

By Mr. SMITH of Michigan:

H.R. 1833. A bill to amend the Internal Revenue Code of 1986 to suspend all motor fuel taxes for six months; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mr. PUTNAM, Mr. PETRI, Mr. BARTLETT of Maryland, and Mr. ENGLISH):

H.R. 1834. A bill to require the Department of Energy to study potential regulatory improvements that may help alleviate high fuel prices; to the Committee on Energy and Commerce.

By Mr. WELLER (for himself, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. COLLINS, Mr. MCDERMOTT, Mr. TOM DAVIS of Virginia, Mr. ISAKSON, Mr. MORAN of Virginia, Mr. MEEKS of New York, Mrs. JONES of Ohio, Mrs. TAUSCHER, Ms. DEGETTE, Mr. BOUCHER, Ms. MCKINNEY, Mr. GIBBONS, Mr. LANTOS, Mr. BERMAN, Mr. QUINN, Mr. UDALL of Colorado, Mr. STRICKLAND, and Mr. TURNER):

H.R. 1835. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income computers and Internet access provided by an employer for the personal use of employees; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 1836. A bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 1837. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to withhold highways funds from any State that permits an individual to use a hand-held mobile telephone while operating a motor vehicle; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas:

H.R. 1838. A bill to amend the Tariff Act of 1930 to modify the provisions relating to drawback claims, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP (for himself and Mrs. THURMAN):

H.R. 1839. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Mr. DELAY, Mr. SMITH of New Jersey, Mr. ROHRABACHER, and Ms. SANCHEZ):

H.R. 1840. A bill to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; to the Committee on the Judiciary.

By Mr. FILNER (for himself, Mr. HALL of Ohio, Mr. JEFFERSON, Mr. KIND, Mr. GUTIERREZ, Mr. ANDREWS, Mr. TAYLOR of Mississippi, Mr. PRICE of North Carolina, Mr. FARR of California, Mr. GORDON, Mr. MCGOVERN, Mr. MCHUGH, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. BONIOR, Mr. SAXTON, Mr. RUSH, Ms. RIVERS, Mr. TOWNS, Mr. RAHALL, Mr. LANTOS, Mr. FROST, Mr. LEVIN, Ms. JACKSON-LEE of Texas, Mr. FRANK, Mr. GILMAN, Mrs. CLAYTON, Mr. REYES, Mr. HOLDEN, Ms. BROWN of Florida, Mr. CONYERS, and Mr. DAVIS of Illinois):

H.R. 1841. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Government Reform.

By Mr. FRANK (for himself and Mr. MCGOVERN):

H.R. 1842. A bill to reinstate the authority of the Federal Communications Commission and local franchising authorities to regulate the rates for cable television service; to the Committee on Energy and Commerce.

By Mr. GRAVES:

H.R. 1843. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies for teacher recruitment, retention, and training, and to amend the Higher Education Act of 1965 to expand the program of loan forgiveness for teachers; to the Committee on Education and the Workforce.

By Mr. GRAVES:

H.R. 1844. A bill to amend the Elementary and Secondary Education Act of 1965 to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment; to the Committee on Education and the Workforce.

By Mr. GREEN of Texas:

H.R. 1845. A bill to provide that no more than 50 percent of funding made available under the Low-Income Home Energy Assistance Act of 1981 for any fiscal year be provided for home heating purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRUCCI:

H.R. 1846. A bill to amend section 254 of the Communications Act of 1934 to require schools and libraries receiving universal service assistance to block access to Internet services that enable users to access the World Wide Web and transfer electronic mail in an anonymous manner; to the Committee on Energy and Commerce.

By Mr. GRUCCI:

H.R. 1847. A bill to require the Attorney General to identify organizations that recruit juveniles to participate in violent and illegal activities related to the environment or to animal rights; and to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide assistance to States to carry out activities to prevent the participation of juveniles in such activities; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MATSUI, and Mr. SESSIONS):

H.R. 1848. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 1849. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and the Workforce.

By Mrs. ROUKEMA (for herself and Mr. FRANK):

H.R. 1850. A bill to extend the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century and to make technical corrections to the law governing the Commission; to the Committee on Financial Services.

By Mrs. TAUSCHER (for herself, Mr. ETHERIDGE, Mr. CONDIT, Ms. VELAZQUEZ, Mr. FROST, Mr. UNDERWOOD, Mr. MCGOVERN, Mr. FILNER, and Mrs. THURMAN):

H.R. 1851. A bill to establish State infrastructure banks for education; to the Committee on Education and the Workforce.

By Mr. THOMPSON of Mississippi:

H.R. 1852. A bill to amend the Natural Gas Act to limit the extent to which natural gas prices charged to end users may be increased; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi:

H.R. 1853. A bill to amend the Internal Revenue Code of 1986 to extend enterprise communities for the same period as empowerment zones; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. PITTS, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. GUTKNECHT, Mr. RYUN of Kansas, Mr. BARR of Georgia, Mr. ENGLISH, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. WELDON of Florida, Mr. TANCREDO, Mr. GRAHAM, and Mr. LEWIS of Kentucky):

H.R. 1854. A bill to amend the General Education Act to allow parents access to certain information about their children; to the Committee on Education and the Workforce.

By Ms. VELAZQUEZ:

H.R. 1855. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a grant program to enhance parental

involvement in elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. WATTS of Oklahoma:

H.R. 1856. A bill to provide relief from Federal tax liability arising from the settlement of claims brought by African American farmers against the Department of Agriculture for discrimination in farm credit and benefit programs and to exclude amounts received under such settlement from means-based determinations under programs funded in whole or in part with Federal funds; to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mr. BASS):

H.J. Res. 48. A joint resolution authorizing the President to issue to the late Colonel William Mitchell, United States Army, a posthumous commission in the grade of brigadier general; to the Committee on Armed Services.

By Mr. FLAKE (for himself, Mr. GILMAN, Mr. CANTOR, and Mr. WEXLER):

H. Con. Res. 133. Concurrent resolution expressing the sense of Congress relating to remarks by the President of Syria concerning Israel; to the Committee on International Relations.

By Mr. LATOURETTE:

H. Con. Res. 134. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival; to the Committee on Transportation and Infrastructure.

By Mr. SCHAFFER (for himself, Mr. DEUTSCH, Mr. BARTLETT of Maryland, Mr. ROHRABACHER, Mr. HINCHEY, Mr. KING, Ms. KAPTUR, Mr. SOUDER, Mr. WATKINS, Mr. FRANK, Mr. ROYCE, Mr. SMITH of Michigan, Mr. TIAHRT, Mr. HEFLEY, Mr. SCHROCK, Mr. RYUN of Kansas, Mr. RILEY, Mr. ACKERMAN, Mr. BARR of Georgia, Mr. CHABOT, Mr. BURTON of Indiana, Ms. CARSON of Indiana, Mr. HOLDEN, Mr. CARSON of Oklahoma, Mr. WEXLER, Mr. MCNULTY, Mr. NADLER, Mr. BROWN of Ohio, Mr. GALLEGLY, Mr. SHERMAN, Mr. HASTINGS of Florida, Mr. PENCE, Mr. BERMAN, Mr. TOOMEY, Mr. FALEOMAVAEGA, Mr. ISSA, and Mr. HOEFFEL):

H. Con. Res. 135. Concurrent resolution expressing the sense of the Congress welcoming President Chen Shui-bian of Taiwan to the United States; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII,

The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to the Joint Resolution memorializing the United States Congress to Abandon Plans to Conduct a Feasibility Study Concerning the Establishment of a National Park in Maine's North Woods; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GUTIERREZ introduced a bill (H.R. 1857) for the relief of Ana Esparza and Maria Munoz; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 7: Mr. LEWIS of Kentucky, Mr. LEACH, and Mr. ENGLISH.
H.R. 25: Mr. FOSSELLA.
H.R. 68: Mr. SIMPSON.
H.R. 105: Mr. RYAN of Wisconsin.
H.R. 144: Mr. DAVIS of Illinois.
H.R. 157: Mr. OWENS and Mr. RAHALL.
H.R. 168: Mr. CALVERT and Mrs. THURMAN.
H.R. 169: Mr. BERMAN and Mr. DAVIS of Illinois.
H.R. 179: Mr. COMBEST.
H.R. 210: Mr. RAHALL.
H.R. 214: Mrs. JO ANN DAVIS of Virginia.
H.R. 219: Mr. SHERMAN.
H.R. 236: Mr. RODRIGUEZ and Mr. HONDA.
H.R. 267: Mr. OSBORNE.
H.R. 270: Mr. OLVER.
H.R. 274: Mr. WYNN, Mr. FROST, Ms. JACKSON-LEE of Texas, and Mr. LANGEVIN.
H.R. 280: Mr. GRAHAM.
H.R. 282: Mr. SHIMKUS.
H.R. 287: Ms. DELAURO.
H.R. 303: Mrs. NAPOLITANO, Mr. GRAHAM, and Mr. SKELTON.
H.R. 336: Mr. RODRIGUEZ.
H.R. 419: Mr. MURTHA.
H.R. 436: Mr. STUPAK, Mr. KUCINICH, and Mrs. NAPOLITANO.
H.R. 437: Mr. LEWIS of Kentucky.
H.R. 439: Mr. DAVIS of Illinois and Mr. HASTINGS of Florida.
H.R. 442: Mr. CLAY and Mr. STUPAK.
H.R. 448: Mr. BOEHLERT.
H.R. 457: Mr. HONDA.
H.R. 482: Mr. WAMP.
H.R. 500: Mr. HASTINGS of Florida.
H.R. 510: Mr. PETERSON of Minnesota and Mr. SAXTON.
H.R. 527: Mr. CLAY and Mr. PORTMAN.
H.R. 531: Mr. OWENS.
H.R. 586: Mr. ROGERS of Kentucky and Mr. BROWN of South Carolina.
H.R. 590: Mr. FRANK and Mrs. MORELLA.
H.R. 598: Mrs. KELLY, Mr. OTTER, Mrs. TAUSCHER, Mr. PHELPS, Mr. SWEENEY, Mr. DREIER, Mr. BLAGOJEVICH, Mr. HAYWORTH, Mr. HOLDEN, Mr. BLUNT, Mr. TERRY, and Mr. KIRK.
H.R. 602: Mr. TIAHRT, Mr. LATOURETTE, Mrs. NORTHUP, Mr. GILLMOR, Mr. KIRK, Mr. LARSEN of Washington, Mr. BOSWELL, Mr. TAYLOR of Mississippi, Mr. POMEROY, and Mrs. DAVIS of California.
H.R. 606: Ms. WATERS.
H.R. 609: Mr. SAXTON.
H.R. 626: Mr. CHAMBLISS and Mr. GILMAN.
H.R. 627: Mr. LATHAM, Mr. HOBSON, and Mr. CHAMBLISS.
H.R. 638: Mr. BALDACCI.
H.R. 664: Mr. TOOMEY, Mr. PETERSON of Pennsylvania, Mr. SCHIFF, Mr. CAPUANO, Mr. MOAKLEY, and Mr. PHELPS.
H.R. 665: Mr. HASTINGS of Florida.
H.R. 668: Mr. GRUCCI, Mr. LEWIS of Georgia, Mr. LUCAS of Oklahoma, Mrs. EMERSON, and Mr. ROGERS of Michigan.
H.R. 678: Mrs. NAPOLITANO.
H.R. 686: Mr. FRANK, Mr. TURNER, Mr. GONZALEZ, Ms. WATERS, Ms. NORTON, and Mr. DOYLE.
H.R. 691: Mr. ROGERS of Michigan.
H.R. 693: Mr. LANGEVIN.
H.R. 701: Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARR of Georgia, Mrs. MINK of Hawaii, Mr. POMEROY, Mr. NORWOOD, Mr. PRICE of North Carolina, Ms. SOLIS, and Mr. KIRK.
H.R. 702: Mr. MCKINNEY.
H.R. 716: Mr. DICKS.
H.R. 730: Mr. BROWN of Ohio.
H.R. 737: Ms. ESHOO and Mr. ROYCE.
H.R. 742: Mrs. TAUSCHER, Mr. DEFAZIO, and Mr. MEEKS of New York.
H.R. 744: Mr. RAMSTAD.
H.R. 796: Ms. VELAZQUEZ.
H.R. 797: Ms. VELAZQUEZ.
H.R. 798: Ms. VELAZQUEZ.
H.R. 804: Mr. OTTER, Mr. BOEHNER, Mr. PAUL, and Mr. SCHROCK.
H.R. 826: Mr. BLUNT and Mr. TIBERI.
H.R. 827: Mr. VISCLOSKY.
H.R. 844: Mr. ANDREWS and Mr. PASCRELL.
H.R. 854: Mr. SAWYER, Ms. DELAURO, and Mr. MATSUI.
H.R. 876: Mr. DEFAZIO, Mr. KENNEDY of Minnesota, Mr. MCGOVERN, Mr. BONIOR, Mr. BLUMENAUER, Mr. BALDACCI, Mr. LEVIN, Mr. MCDERMOTT, Mr. TOWNS, Mr. SCARBOROUGH, Mr. LEACH, and Mr. KUCINICH.
H.R. 896: Mrs. CUBIN.
H.R. 914: Mr. NETHERCUTT, Mr. BRADY of Texas, Mr. WYNN, Mr. ISSA, Mr. BALLENGER, and Mr. BOEHNER.
H.R. 917: Mr. HASTINGS of Florida.
H.R. 931: Mr. TERRY, Mr. RANGEL, Mrs. NORTHUP, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. THORNBERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOSWELL, and Mr. AKIN.
H.R. 953: Mr. KUCINICH.
H.R. 954: Mr. BARRETT and Ms. KAPTUR.
H.R. 969: Mr. GRAHAM.
H.R. 976: Mr. HONDA.
H.R. 978: Mr. RYUN of Kansas and Ms. HART.
H.R. 985: Mr. STUPAK.
H.R. 986: Mr. TRAFICANT.
H.R. 1007: Mr. SANDLIN and Mr. CUNNINGHAM.
H.R. 1017: Ms. JACKSON-LEE of Texas.
H.R. 1025: Mr. SKEEN and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1035: Ms. CARSON of Indiana, Mrs. CLAYTON, and Ms. NORTON.
H.R. 1073: Mrs. CLAYTON, Mr. SMITH of Washington, Mrs. MINK of Hawaii, and Mr. PHELPS.
H.R. 1110: Mr. STENHOLM.
H.R. 1127: Mr. PAUL.
H.R. 1129: Ms. HARMAN.
H.R. 1140: Mr. SOUDER, Mr. SPENCE, Mr. BRADY of Texas, Mr. MCCRERY, and Mr. BARRETT.
H.R. 1145: Mr. GREENWOOD and Ms. MCKINNEY.
H.R. 1153: Mrs. MINK of Hawaii.
H.R. 1158: Mr. RYUN of Kansas.
H.R. 1170: Mr. DEFAZIO and Mr. PASCRELL.
H.R. 1184: Mr. ROTHMAN and Mr. WAMP.
H.R. 1192: Mr. WELDON of Pennsylvania, Mrs. CAPPS, Mr. SKEEN, Mr. STUPAK, Mr. BOUCHER, and Mr. PRICE of North Carolina.
H.R. 1233: Mr. DAVIS of Illinois, and Mr. HASTINGS of Florida.
H.R. 1262: Mr. MCGOVERN, Mr. MEEKS of New York, Ms. NORTON, Mr. PETERSON of Minnesota, and Mr. HINOJOSA.
H.R. 1266: Mr. DEFAZIO, Mr. KNOLLENBERG, and Mr. MATHESON.
H.R. 1272: Mrs. JOHNSON of Connecticut and Mr. ENGLISH.
H.R. 1273: Mr. TANCREDO, Mr. PENCE, and Mr. SKEEN.
H.R. 1305: Mr. CROWLEY, Mr. HOYER, Mr. SKEEN, and Mr. BOSWELL.
H.R. 1320: Mr. FRANK, Mr. KUCINICH, and Mr. KILDEE.
H.R. 1351: Ms. WATERS.
H.R. 1353: Mr. UPTON, Mr. BALDACCI, Mr. LAFALCE, Mr. WICKER, Mr. GOODE, Mr. PETERSON of Minnestoa, and Mr. GREEN of Wisconsin.
H.R. 1354: Ms. NORTON, Mr. JENKINS, Mrs. NAPOLITANO, and Mr. TOM DAVIS of Virginia.
H.R. 1358: Mr. ISRAEL.
H.R. 1360: Ms. DEGETTE and Mr. LOBIONDO.
H.R. 1367: Mr. LANTOS.
H.R. 1372: Mr. WELDON of Florida.
H.R. 1377: Mr. RYUN of Kansas, Mr. LEWIS of Kentucky, Mr. EDWARDS, Mr. BARTON of Texas, Mr. BARR of Georgia, Mr. SKEEN, Mr. DOOLITTLE, and Mr. COSTELLO.
H.R. 1398: Mr. MEEKS of New York.
H.R. 1413: Mr. LARSEN of Washington and Mr. PHELPS.
H.R. 1433: Mr. FILNER and Ms. KAPTUR.
H.R. 1434: Mr. MCHUGH and Mr. MCNULTY.

H.R. 1450: Mr. PUTNAM.
H.R. 1455: Mr. DOOLITTLE and Mr. NEY.
H.R. 1458: Mr. LANGEVIN.
H.R. 1468: Mr. LANGEVIN.
H.R. 1470: Mr. SANDERS.
H.R. 1471: Ms. MILLENDER-MCDONALD.
H.R. 1476: Ms. MILLENDER-MCDONALD, Mr. BOUCHER, and Mr. SIMMONS.
H.R. 1477: Mr. OTTER, Mr. SANDLIN, and Ms. KILPATRICK.
H.R. 1483: Mr. PAUL, Mr. LATOURETTE, Mr. POMEROY, Mr. MCINNIS, Mr. HULSHOF, Mr. HUTCHINSON, Mr. HONDA, and Mr. DOOLEY of California.
H.R. 1492: Mr. COYNE.
H.R. 1523: Mr. HEFLEY, Mr. RYUN of Kansas, and Mr. OSBORNE.
H.R. 1542: Mr. RILEY, Mr. REYES, Mr. BERRY, Mr. SHOWS, and Ms. BROWN of Florida.
H.R. 1545: Mr. DEAL of Georgia.
H.R. 1553: Mr. SCHIFF, Mrs. CAPPS, and Mr. ACKERMAN.
H.R. 1556: Mr. MEEKS of New York, Ms. DELAURO, Mr. COYNE, Mr. KING, Mr. THOMPSON of Mississippi, Mr. BOEHLERT, Mr. CROWLEY, Mrs. JONES of Ohio, Mr. MALONEY of Connecticut, and Mr. QUINN.
H.R. 1575: Mr. BARR of Georgia, Mr. SMITH of Michigan, Mr. PAUL, Ms. HART, and Mr. JOHNSON of Illinois.
H.R. 1577: Mr. NORWOOD, Mr. DEAL of Georgia, Ms SANCHEZ, Mr. CHAMBLISS, Mr. BARTLETT of Maryland, Mr. TOOMEY, Ms. GRANGER, Mr. GILLMOR, Mr. FERGUSON, Mr. CALLAHAN, Mr. MALONEY of Connecticut, Mr. HOSTETTLER, Mr. COYNE, Mrs. MYRICK, Mr. HEFLEY, Mr. BRADY of Texas, Mr. SMITH of New Jersey, Mr. BORSKI, Mr. KNOLLENBERG, Mr. ROGERS of Michigan, Mr. FILNER, Mr. UPTON, Mr. HILL, Mr. BALDACCI, Mr. MCINTYRE, Mr. STUMP, Mr. FROST, Mr. KIRK, Mr. MANZULLO, Mr. OLVER, and Ms. MCKINNEY.
H.R. 1581: Mr. VITTER, Mr. CRAMER, and Mr. BOEHNER.
H.R. 1586: Mr. NEAL of Massachusetts and Mr. GONZALEZ.
H.R. 1597: Ms. MCKINNEY.
H.R. 1609: Mr. OBERSTAR, Mr. UDALL of New Mexico, Ms. DELAURO, and Mr. SANDLIN.
H.R. 1624: Mr. ISAKSON, Mr. FERGUSON, Mr. WU, Mr. RILEY, Mr. POMEROY, Ms. HOOLEY of Oregon, Mr. PHELPS, Ms. BALDWIN, and Mr. SHOWS.
H.R. 1644: Mr. HOSTETTLER, Mr. GRAHAM, and Mr. SKELTON.
H.R. 1645: Mr. ISAKSON, Mr. HALL of Ohio, Mr. PICKERING, Mr. GEKAS, Mr. CRAMER, Mr. MCNULTY, Mrs. MINK of Hawaii, Mr. HINOJOSA, Mr. EVANS, Mr. SCHAFFER, and Mr. GREENWOOD.
H.R. 1649: Mr. GEORGE MILLER of California.
H.R. 1650: Ms. BROWN of Florida, Ms. DELAURO, Mr. CUMMINGS, Mr. LATOURETTE, Mr. KUCINICH, and Mr. KENNEDY of Rhode Island.
H.R. 1651: Mr. ENGLISH.
H.R. 1657: Mr. CARDIN.
H.R. 1671: Mr. CROWLEY, Ms. LEE, Mr. KUCINICH, Ms. KILPATRICK, Mr. FROST, and Ms. RIVERS.
H.R. 1677: Mr. SCHAFFER and Mr. TOWNS.
H.R. 1683: Ms. LEE, Ms. HART, Ms. MCCOLLUM, and Mr. CROWLEY.
H.R. 1687: Mrs. JOHNSON of Connecticut.
H.R. 1696: Mr. HAYWORTH, Mr. SIMPSON, Ms. CARSON of Indiana, Mr. BAKER, Mr. SAXTON, and Mrs. JO ANN DAVIS of Virginia.
H.R. 1711: Mr. FOLEY.
H.R. 1713: Mrs. CLAYTON, Mr. BERMAN, Mr. FROST, Ms. DELAURO, Mrs. MINK of Hawaii, and Mr. MORAN of Virginia.
H.R. 1716: Mr. REHBERG, Ms. SOLIS, and Mr. UDALL of New Mexico.
H.R. 1746: Mr. HAYWORTH, Mr. KING, Mrs. JONES of Ohio, Mr. ROGERS of Michigan, Ms. MCKINNEY, Mr. VITTER, Mr. STUMP, and Mr. ENGLISH.
H.R. 1781: Mr. OLVER, Mrs. MORELLA, Mr. CROWLEY, and Ms. WOOLSEY.
H.R. 1784: Mr. BONIOR, Ms. PELOSI, Mr. JACKSON of Illinois, Ms. MCCOLLUM, and Mr. MCINTYRE.
H.R. 1786: Mr. SIMPSON and Mr. RILEY.
H.R. 1798: Mrs. ROUKEMA.
H.R. 1809: Ms. SCHAKOWSKY, Mr. REYES, and Mr. MCINTYRE.
H.R. 1819: Mr. PAYNE and Mrs. JONES of Ohio.
H.J. Res. 12: Mr. KERNS.
H.J. Res. 36: Mr. HANSEN, Mrs. CAPITO, Mr. CRANE, and Mr. CLEMENT.
H.J. Res. 38: Mr. GOODLATTE.
H. Con. Res. 17: Mr. STRICKLAND and Mr. SNYDER.
H. Con. Res. 30: Mr. CULBERSON and Mr. TIAHRT.
H. Con. Res. 48: Mr. TANCREDO.
H. Con. Res. 54: Mr. CRAMER and Mr. BAIRD.
H. Con. Res. 58: Mr. ROHRABACHER.
H. Con. Res. 67: Mr. HAYWORTH.
H. Con. Res. 94: Mr. BROWN of Ohio, Ms. VALAZQUEZ, Ms. MILLENDER-MCDONALD, Mr. SCHIFF, Mr. WAXMAN, and Mr. PASCRELL.
H. Con. Res. 97: Mr. STARK.
H. Con. Res. 104: Ms. NORTON and Mrs. CAPPS.
H. Con. Res. 106: Mr. SCHROCK, Mr. YOUNG of Florida, Ms. CARSON of Indiana, and Mr. HORN.
H. Con. Res. 116: Mr. COSTELLO.
H. Con. Res. 120: Mr. TIBERI.
H. Res. 17: Mr. BARRETT.
H. Res. 120: Mr. GILMAN and Mr. REYNOLDS.
H. Res. 139: Mr. CONYERS, Mr. CLAY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Ms. SOLIS, Mr. GUTIERREZ, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. OWENS, Ms. CARSON of Indiana, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mrs. CLAYTON, Ms. LEE, and Mr. FATTAH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 701: Mr. WATTS of Oklahoma.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1

OFFERED BY MR. HOEFFEL

AMENDMENT NO. 1: In section 5214(b)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, add at the end the following: ''Such a description may include how the applicant will provide release time for teachers (which may include the provision of a substitute teacher).''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, MAY 15, 2001 No. 66

Senate

The Senate met at 10:32 a.m. and was called to order by the Honorable BILL FRIST, a Senator from the State of Tennessee.

PRAYER

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

Holy Father, we join with Americans across our land in the celebration of National Police Week. We gratefully remember those who lost their lives in the line of duty. Particularly, we honor the memory of our own officers in the United States Capitol Police: Sergeant Christopher Eney on August 24, 1984, Officer Jacob Chestnut and Detective John W. Gibson on July 24, 1998. Thank You for their valor and heroism. Continue to bless their families as they endure the loss of these fine men.

May this be a time for all of us in the Senate family to express our profound appreciation for all of the police officers and detectives who serve here in the Senate. They do so much to maintain safety and order, knowing that, at any moment, their lives may be in danger. Help us to put our gratitude into words and actions of affirmation. May we take no one for granted.

Now we dedicate this day to You. Bless the Senators as they confront issues with Your divinely endowed wisdom and vision. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL FRIST led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BILL FRIST, a Senator from the State of Tennessee, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ENSIGN. Mr. President, today the Senate will immediately resume consideration of the Murray amendment regarding class size. Under the order, there will be 2 hours of debate on the amendment prior to the 12:30 recess. When the Senate reconvenes at 2:15 p.m., there will be 5 minutes for final remarks on the Murray amendment with a vote to occur at 2:20 p.m. Following the vote, the Senate will continue consideration of amendments to the education bill. Rollcall votes are expected throughout the day.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

Kennedy (for Murray) amendment No. 378 (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.

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.

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. 425 (to amendment No. 358), to revise provisions regarding the Reading First Program.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

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.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

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.

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

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Wellstone/Feingold amendment No. 465 (to amendment No. 358), to improve the provisions relating to assessment completion bonuses.

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.

The PRESIDING OFFICER (Mr. ENSIGN). Under the previous order, the Senate will now resume consideration of the Murray amendment No. 378 under which there will be 120 minutes equally divided.

Who yields time?

The Senator from Washington.

Mr. FRIST. Mr. President, I would like to yield myself about 15 minutes. It can go either way.

Mrs. MURRAY. If the Senator from Tennessee wants to begin, that is OK. I will go after the Senator finishes.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

AMENDMENT NO. 378

Mr. FRIST. Mr. President, I yield myself 15 minutes.

I rise to speak to the underlying amendment about which we will be talking over the course of the morning and on which we will be voting on this afternoon shortly after 2 o'clock. It is a very important amendment, one which we talked about over the last several days—in fact, into last week—an amendment that deserves this time, that deserves the debate, that deserves the discussion that has been put forth.

I say that because it really does strike, I believe, at a fundamental principle that distinguishes much of the debate around education today. It strikes right at the heart of an understanding of what is in the underlying bill as well as in the amendment which is being proposed to that bill.

The principle is one of freedom, and we feel very strongly that local communities, local needs, must dictate what we do here in Washington, through our Federal legislation. We feel strongly that Washington must give local communities—schools, school districts—the opportunity to identify their particular needs or deficiencies. And, yes, it takes testing in many ways to identify the different types of students—that is in the underlying bill. But we must also identify needs such as number of teachers, teacher quality, classroom size, the environment in which the teacher-pupil relationship is cultivated and maximized so achievement is boosted to the largest degree possible. And it really does, to my mind, boil down to freedom, the freedom, the flexibility, the opportunity to identify those local needs and to satisfy them as they see fit at the local level.

Again, it goes to the heart of much of what is in this bill because there are disparities all over the country, and the degree of education success is, in part, dependent on location. That needs to be addressed. And I think it is best addressed at the local level. That is what we would like to do, and that is what is in the underlying bill.

In the bill—and again I encourage our colleagues to go and look at what is in the underlying bill—we try to allow school districts to have that choice, to use the resources available either for class size or for teacher development, professional development, again focusing on what goes on in that classroom between that teacher and that student.

The goal is to boost student achievement. What is needed in Alamo, TN, might be different than what is needed in Manhattan, or the Bronx, or down in Fort Lauderdale, FL. One school might need class size reduction if the classes are very large in certain subjects. Another school might need a better and higher quality teacher in that classroom.

The underlying bill takes those two components of teacher quality and class size, pools those resources, and says to local communities and to local school districts: You choose as to which of those areas you need to apply those resources to boost student achievement.

I think it is very important because class size in some cases can be very important. We all know that. If you happen to be in a State or a community where class size is very large in certain subjects, I think it is very important that class size be reduced. Other parts of the country might have already reduced class size down to an appropriate level, in their judgement, and they prefer the freedom to use that class size reduction money, and teacher development money, to recruit teachers or attract teachers by paying them more, or by encouraging their professional development.

What we want to do is give local school districts the freedom to spend the money in a way that they believe will best increase student achievement.

School districts should have the flexibility to decide whether to use that money for class size or for teacher development. That is very simple. That is what we have heard laid out in the bill. It is very important for people to understand that it is that flexibility, that local identification of need, that principle, on which we are voting at 2:20 today. We fundamentally believe school districts should be given maximum freedom and flexibility as to how they use those funds.

Again, it is important to understand the underlying bill. Basically, we pool these resources from class size reduction and teacher development and put them together. We give that local school district the opportunity to use them in the best way they see fit.

Over the last several days we have talked a lot about cost effectiveness of our education dollars to get the very best bang for the buck, the very best outcome and achievement for the dollars invested. When you look at it that way, in terms of cost effectiveness of the dollars being invested in education, that is what we are doing in the underlying bill. We are becoming not education spenders but education investors by investing in the system and investing in that flexibility and local control.

For every dollar invested, it is important to look at what sort of outcome you achieve. If we say school districts shouldn't be forced to downsize classes, and recognize that some have downsized the class size already, then you can ask how effective is each of those dollars invested in terms of cost effectiveness.

It is interesting, if you go back and look at the studies which examine at all sorts of different and independent variables regarding boosting student achievement, class size does not come at the top or even in the middle but further down on that list. In fact, in many of these studies, it is the least effective reform, but it is coupled with the very highest price tag. So in terms of dollars invested, the effect is it falls to the lower end of those scales.

Studies have found that class size can be among the least effective educational investment, especially when you compare it to something like teacher education or teacher development—providing teachers with the resources they need to become better teachers, or to become better educated, for example, to become a real specialist in the field they are teaching.

Again, I don't want to overplay this because I, for one, think class size is an important variable, but I think it is important to recognize that is addressed in the underlying bill. The resources are there. We are simply saying to give the local community the flexibility to use those dollars in a way that gives the biggest bang for the buck invested.

What is the No. 1 variable in many of these studies? If you look outside of parental involvement, which again we encourage in the underlying bill, it is to have a highly qualified teacher in the classroom—not the size of the classroom but a highly qualified teacher.

One recent study conducted at the University of Rochester examined more than 300 studies on the impact of class size reduction and found that it is the quality of the teacher which is much more important than the absolute class size. The National Commission on Teaching & America's Future found that teacher education is five times as effective for each dollar invested as is class size.

All of us can remember our own teachers when we were young and the impact that a high-quality teacher has in the classroom. It is a lasting impact. A smaller classroom has an effect—a here and now effect—but it doesn't have the lasting effect that a highly qualified teacher does in the classroom.

A study done in Tennessee found that the impact of a high-quality teacher continues for at least two years after the student has left that teacher.

Bill Saunders, who has been quoted again and again on this floor, determined that the percentile difference

between the student who has 3 years of high-quality teaching versus 3 years of poor quality teaching could mean the difference between a student that is enrolled in a remedial class versus an honors class—again, underscoring the critical importance of not just having more teachers in the classroom but having high-quality teachers in the classroom.

Over the last week or so we have talked a lot about the shortage of high-quality teachers. The fact is that more than 25 percent of new teachers enter our Nation's schools poorly qualified to teach.

We talked a little bit about the studies that have shown that mastery in a subject area is the most tangible teacher quality. When you look at that measure, we are simply not doing as good a job as we should.

Many teachers either lack a major or minor in the subject they are teaching. Fifty-six percent of physics and chemistry teachers lack a major or a minor. Thirty-four percent of English teaches lack a major or minor. And 34 percent of math teachers lack a major or minor.

It is important for people to understand that compulsory class size—focusing just on class size—can exacerbate the problem of having a shortage of high quality teachers.

Over the past week, we talked about a little bit about California's experiment with compulsory class size. It led to many credentialed teachers coming into the classroom. It led to underqualified teachers, and an increase in teacher aides rather than teachers in the classroom—all providing direct instruction to students. This hit especially hard in the underserved areas in inner-city schools, and in rural schools.

Where is the impact? I think the impact of declining teacher quality has been greatest in low-income schools, if you look at the studies altogether. That is where the percentage of qualified teachers has dropped nationwide—but specifically in the California studies.

The third point that I would like to make is that there is no need today for compulsory class size reduction. Again, it comes back to this opportunity of freedom to choose class size reduction, if you want, or to spend those moneys on training teachers.

I mentioned that it is important to understand what is in the underlying bill. In the bill we have combined professional development with class size money. Teacher quality and teacher recruitment varies from community to community. It varies from district to district. We want to have that right balance between class size and having a good high quality teacher in the room. That is why we chose to pool those two resources together and allow that local school and that local school district to choose either a combination of both of those, or one versus the other.

The underlying bill permits school districts to use Federal dollars to recruit high-quality teachers.

The underlying bill supports school efforts to establish incentive programs such as differential pay to attract, hire and keep highly qualified and knowledgeable teachers.

The underlying bill contains specific provisions for recruitment. It supports efforts to recruit individuals who have careers outside of teaching but whose life experience provide a solid foundation for teaching.

The underlying bill also looks at the issue of class size, support schools in hiring teachers, reduce class size, if they so desire it, and to address the teacher shortages in particular grades in subject areas.

The underlying bill addresses the issue of teacher development and promoting teacher reforms, including mentoring and master teachers.

The underlying bill looks at issues, such as alternative credentialing programs.

The underlying bill addresses teacher opportunity payments, allowing funds to go directly to teachers so they can choose their own professional development.

In conclusion, I want to make it very clear from at least my standpoint, and on our side of the aisle, that we are not opposed to class size reduction. Again, I for one think that an appropriate class size and appropriate ratios, depending on where you are in the subject matter, is important. I point out, many areas in many regions have already addressed this particular issue. Secondly, the underlying bill permits States and school districts to use those pooled Federal funds in the best way they see fit.

We increase the number of high-quality teachers by promoting innovative teacher reforms, including alternative certification, merit pay, and the list I just mentioned.

I urge my colleagues to defeat the Murray amendment. Again, it will be a very important vote that we take at 2:20 today because I think it does move us in the wrong direction: less choice, less freedom for our local communities, less flexibility, and less attention to local needs.

Mr. President, I urge my colleagues to vote against the amendment later today and look forward to participating in the debate as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, today I rise, once again, to urge my colleagues to continue our commitment to help our schools reduce classroom overcrowding.

Before I begin, I ask unanimous consent that the following Senators be added as cosponsors to my amendment: Senators LEVIN, MIKULSKI, and SCHUMER.

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

Mrs. MURRAY. Mr. President, we all want to improve education. In the last few years we have made a lot of progress. In fact, thanks to our commitment at the Federal level, local schools have now hired about 34,000 new highly qualified teachers.

Because of our investment over the last 3 years, almost 2 million students are learning in less crowded classrooms today. That is because of the Federal commitment we have had. Those kids are learning the basics. They have fewer distractions and fewer discipline problems. Isn't that what we want for all of our kids?

Over the last 3 years we have done the responsible thing by supporting what works. But the underlying bill, despite the rhetoric you have just heard, takes a very different approach. It breaks our commitment to investing in smaller classes. I can tell you as a parent, as a former educator, and as a former school board member, it is the wrong way to go. We should be building on our progress. That is why I am offering this amendment today.

In just a few hours we are going to vote on this amendment. So I want to talk about some of the arguments we have heard throughout the debate last week and today and probably we will hear more of today.

First, we have heard that smaller classes do not really make a difference. Let me tell you, any parent or any teacher knows better. The first questions parents ask their kids when they come home from school on the first day in September are: Who is your teacher? And how many kids are in your classroom? Parents know it makes a difference on how many kids are in that classroom as to whether their child is going to have a successful year or not.

It is not just parents and it is not just teachers. Research, over and over again, has shown us that smaller classes help children succeed. The Tennessee Project STAR—Student/Teacher Achievement Ratio—study has consistently demonstrated that reducing class sizes in K–3 to 13 to 17 students significantly increases children's reading and mathematics scores. And the biggest gains have been found for poor and minority students—those children who are most in danger of being left behind.

Studies have shown that the children in those smaller classes in the early grades were: More likely to take college entrance exams, more likely to finish high school, more likely to enroll in college, less likely to become teen parents, and less likely to go to jail.

In the last month two new studies that have been released interpreting the STAR study have concluded that smaller classes produce significant benefits. One joint study by researchers from Tennessee State University and the University of Chicago found significant increases in ninth grade math test scores among students who had spent their early grades in smaller classes, with the gains even more pronounced among minority students.

Robert Reichardt, a researcher with Mid-continent Research for Education

and Learning, concluded in yet another study that class size reduction ''provides policymakers with a direct lever for influencing classrooms'' and is one of a few policies that ''offer such immediate concrete effects.''

As in Project STAR, students participating in Wisconsin's SAGE class-size reduction effort outperformed their counterparts in larger classrooms on standardized tests.

Again, as in the other studies, these benefits were strongest among African American students who had larger gains than their white counterparts.

So not only can smaller class size help raise student achievement overall, but reduced class size may be an especially effective measure for closing the ''achievement gap'' between black students and white students.

Let me turn to a second argument we have heard. I keep hearing that Federal money should not be targeted for a specific purpose such as making classrooms less crowded.

I remind all of my colleagues that in this underlying bill we have targeted money for many causes, including reading, technology, afterschool programs, school safety, and charter schools and magnet schools.

In fact, there are more than 20 targeted funding streams in the underlying bill.

If targeted funding were really the problem, and why we should vote against this amendment, then those who vote against my class size amendment ought to vote against the entire bill.

Some have said we should just let school boards choose how to use this money. But that really ignores the realities local school boards face. I served on a local school board. I know what it is like to try to set aside money to hire new teachers for the foreseeable future when you do not even know if a school bond is going to pass next month. That is one of the reasons it is so hard for local schools to hire new teachers to reduce overcrowding on their own.

Fortunately, because of the work we have done in the last 3 years, today they are not on their own. They have a Federal partner to help them make that critical investment. We need to continue that commitment.

The truth is, the underlying bill would pit two key elements of good schools against one another: Small classes and good teachers. Under this bill, any dollar that local schools decide to spend on smaller classes comes at the expense of a dollar spent on teacher quality. We should not make our schools choose between two priorities that are important; we should fund both.

This kind of ''false flexibility'' that we see in this underlying bill would be unacceptable in most other arenas. Do we make our military choose between weapons and training? Of course not. We know both are necessary to protect our Nation. Do we make a sick patient choose between food and medicine? Of course not, because we know both are necessary.

Why then, in this underlying bill, are we forcing our schools to choose between high-quality teachers and smaller classes when we know both are necessary to help our children learn?

In their zeal to assail small classes, some people have even claimed that a good teacher is more important than a small class size. Let me say this as clearly as I can: Small classes and good teachers are both important. The importance of funding teacher quality should not crowd out funding for other important reforms such as smaller classes.

I also point out that smaller classes can help us recruit and retain good teachers. One of the main reasons that teachers leave the classroom is job dissatisfaction. The truth is, we are losing a lot of teachers very early in their careers. After 1 year of teaching, we lose 11 percent of our new teachers; after 2 years, we lose 21 percent of them; and after 5 years, it is now up to 39 percent.

Why are we losing teachers out of our classrooms? Studies have shown that one of the main reasons is job dissatisfaction. One of the main causes of job dissatisfaction: Overcrowded classes. Another top complaint: Student discipline. We know there are fewer discipline problems in smaller classes. We need to keep good teachers in our classrooms. That means we ought to invest in teacher quality. But it also means we should reduce overcrowding to encourage more good teachers to stay in our classrooms and give their students their best.

This is not just about statistics. The other day in this Chamber I read an excerpt from a letter sent to me by an award-winning teacher from Pullman, WA. Kristi wrote to me that she is very frustrated. Every day she tries to give her students her best, but with large classes that is getting harder and harder. Kristi is a great teacher. She is a national award-winning teacher.

She is asking us to help her be the kind of ''high-quality'' teacher we say we want for every child by giving her a class small enough for every child to get the attention they need.

Dedicated teachers such as Kristi spend their lives helping our children to learn. We reward them with working conditions that none of us would tolerate.

Fourth, some on the other side have said we should focus our reform efforts on testing and accountability. The truth is that this amendment is even more essential because of the testing and accountability provisions in the underlying bill. This bill could punish students for failing tests, but it does not give them the tools they need to pass those tests.

Implying that testing is some kind of magic bullet that will somehow turn around low-performing schools is simplistic. The truth is far more complex. Testing is just one of many tools, and it is useless by itself. Tests can identify problems but without the support to solve those problems, tests have little value. Tests alone cannot improve a student's achievement, but give that student a smaller class and a good teacher, and the sky is not even a limit for his or her potential success.

I want all of us to think about that. No test is going to help a student learn to read or learn to write or learn to add. A smaller class and a qualified teacher will.

We can take a classroom of students and give them tests every day for 10 years, and those kids won't do better unless they have a qualified teacher in a classroom that is not overcrowded, where they get the individual attention they need to learn.

Let's make sure we give those kids the tools they need to pass the test, not just to take the test. Let's invest in what works. Our schools are facing bigger challenges than they ever have before. They are educating more students, and more students with special challenges are filling our classrooms such as children with limited English proficiency and disabilities. They are educating them to meet higher standards and succeed in an increasingly complex world.

We know many schools need to do a better job. Schools need to be held accountable and teachers need to be held accountable. But in Congress, we must also be held accountable for meeting our responsibilities as a Federal partner to our schools. Believe me, if we pass this bill without guaranteed funding for things such as smaller classes and with huge unfunded testing mandates, we will be held accountable.

Finally, I will mention something we did not hear from the other side but is at the heart of what is going on in the bill. We did not hear this new funding scheme that is in the underlying bill described as a block grant. That is exactly what it is. The reason it is not called a block grant is because parents know that block grants offer less accountability, less focus on things that work, and in the end less funding. So instead of calling it a block grant, they now call it ''a funding pool.''

Parents don't want pools of funding. They want commonsense investments that make a difference, such as smaller classes and decent facilities. We have heard a lot of excuses. We have heard a lot of rhetoric. The only thing that will matter when this debate is done is how the students in Kristi's classrooms and thousands of classrooms across our country do next year.

I have shown my colleagues why the arguments that have been raised don't hold up. I close by mentioning some of the reasons we should target these dollars to smaller classes.

Parents know better than to believe the false rhetoric about smaller classes not helping children learn. Smaller classes result in more individual attention for students and better student performance on assessments. They

produce long-lasting academic benefits such as lower dropout rates and more students taking college entrance exams and long-lasting social benefits such as less teen pregnancy and incarceration. Rhetoric about choice and flexibility will not go very far when parents ask us why class sizes went back up. The reasons we need a guaranteed funding stream for class size reduction are clear.

In closing, I urge my colleagues to invest in the things that work. As local schools across the country try to make progress in the face of growing challenges, let's give them the tools they need to succeed.

Mr. NELSON of Florida. Mr. President, will the Senator from Washington yield?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Florida is recognized.

Mr. NELSON of Florida. I thank the ranking member for the time.

I compliment the Senator from Washington on her amendment and for the tremendous insight she brings, as someone who has participated on a school board, as a mom, who understands education from the grassroots.

As the Senator from Washington was talking, I couldn't help but think, I don't get to go to the movies very much, but there was one movie about 2 years ago named ''October Sky'' that I saw. It was about a coal mining town in West Virginia and how the escape for those young people in school from a life of coal mining was only through the avenue of a dedicated teacher who ignited their little minds.

In this particular case, they were called the rocket boys. They went out and built miniature rockets, won the State science fair, got the college scholarships, and were able to go to college. It is based on a true story about one of those rocket boys who went on to become a very accomplished NASA engineer.

It popped into my mind because of what the Senator was saying about the importance of the teacher and the teacher being able to interrelate with the children in that classroom. If it is a classroom of 50 or 60 children, that personal attention, that interaction just isn't going to occur.

How many studies do we have to undertake to understand that when class size is reduced, particularly in the formative years of kindergarten through the third grade, it shows up in spades later on in life by the child's ability to accomplish and succeed.

The Senator's amendment is so clear. This is like voting against motherhood. I can't imagine anybody would not be supporting this amendment. We have already had 2 years of experience with this program. It clearly has started to work. The Senator wants to extend this program for another 5 years for a total program of 7 years.

If I went to my State and asked the average citizen on the street: Do you want to lower class size by hiring more teachers over a 7-year period, to have the Federal Government invest more by hiring 100,000 teachers, I would get an almost unanimous response.

I add my voice of appreciation to the Senator from Washington for her wonderful commentary and for her very insightful amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes off the bill on the amendment.

I commend the Senator from Washington, Mrs. MURRAY, for bringing this measure back to the Chamber, urging the Senate to support an amendment which will make available to school districts the additional funding for smaller class sizes with a particular emphasis on K–3 classrooms.

Senator MURRAY brings a unique and special credibility to this issue as someone who has been an active school board member and also someone who has been a first grade school teacher. Although she didn't review that experience with us this morning, I think all of us who have listened to her make this presentation and fight for this program remember clearly the very compelling case that she has made.

I think it still echoes in my ears about the schoolteachers who are in the classes with 30 children, trying to deal with all of their particular names and needs, as compared to a teacher in a smaller class of 15, 13 children, where she is able to spend the time to give the individual kind of attention to the child, and particularly that child who may have some very special needs on that particular day. It is translated into helping and assisting children in the earliest grades to be able to develop their interests and their awareness in terms of education and reflects itself in terms of an enhancement in their academic achievement and accomplishment.

Now there has been some suggestion on the floor of the Senate that this is not effective, that the studies indicate this is not effective, that it is one of the least desirable reforms. I hope those who maintain that position will at least be good enough to illustrate what studies they were referring to, because I am going to give three practical studies that are compelling information and make a compelling case in support of the Murray amendment. They are overwhelming. And you don't have to go back years to look at the results of the studies, all you have to do is look at the front page of the newspapers here Tuesday of last week:

> Prince Georges' Test Scores Show Best Gains Ever.

Then you read down through this:

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

Then the school superintendent, when asked about what the principal contributors were in moving the children along in this direction:

> [She] said she hoped that county and State leaders would see the test scores as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size.

There it is. Results. Reduce class size. We reject this idea that you have to make a choice between well-qualified teachers in the classroom and smaller class size. The Murray amendment says we can do both. That is our position, that we can do both.

With all respect to our colleagues on the other side, the ones who have been addressing this issue voted against getting an allocation of resources in our committee toward having well-qualified, well-trained teachers with professional development and mentoring. As many of us tried to say, let's make sure we are going to provide that, and that was rejected in our committee. Now, in some kind of an attempt to defeat the Murray amendment, they say the No. 1 question is: Are we going to have a well-trained teacher in every class?

We are for it. The Senate voted in favor of it, with a strong bipartisan vote to expand that last week. What we are also saying is we want to have a well-trained teacher in the class with professional development and mentoring programs, but we also want the smaller class size, as has been done here every time we have reviewed this amendment. All we have to do is look at the results.

I think what would be useful is, rather than speculating perhaps what each Member believes is best in the local community, to look at what is happening out in the country and what the results are. Maybe we can benefit from what is happening when we have results. That is what we have.

In the STAR program in the State of Tennessee, April 29, 1999, report, it says:

> The original STAR research tracked the progress of an average of 6,500 students each year in 79 schools between 1985 and 1989 (and 11,600 students overall). It found that children who attended small classes (13–17 pupils per teacher) in kindergarten through grade 3 outperformed students in larger class sizes (22–25 pupils) in both reading and math on the Stanford Achievement Tests for elementary students. The second phase of the STAR research found that even after returning to larger classes in grade 4, STAR's small class students continued to outperform their peers who had been in larger class sizes.

That is what we have, Mr. President. The study goes on and shows that students in smaller class sizes are more likely to pursue college, small classes lead to higher graduation rates, students in small classes achieve at higher levels, and the list goes on. That is Tennessee, 6,500 students.

We can go to what took place from 1996 up to the year 2000 in the State of Wisconsin, the SAGE Program. The exact same results—30 schools, 21 school districts. When adjusted for preexisting differences in academic

achievement, attendance, and socioeconomic status, the SAGE students showed significant improvement over their comparison school counterparts from the beginning of the first grade to the end of the third grade across all academic areas. The charts go through there.

We can take the Rand study. That is not known to be a flaming liberal or Democratic organization—the Rand Corporation. Here they examine smaller class sizes in California —more than 1.8 million students. This is their conclusion:

Smaller class sizes with certified teachers—

That is what we stand for. We have the certified teachers with the authorizations we passed last week in a bipartisan way. But also we haven't got the guarantee that there will be resources in here for the smaller class sizes. Here is the Rand study that was just produced in July of last year:

Smaller class sizes with certified teachers have the greatest benefit for the neediest students.

Why not do both? That is what the Senator from Washington is saying. Why don't we do both? We are doing the well-qualified teachers. Why not do smaller class sizes? Why be in the situation? We have to make a choice. We know what is working. Let's give that option to the local communities. That is what the Murray amendment does.

Here it is:

Smaller class sizes with certified teachers have the greatest benefit for the neediest students. Evaluation shows that those students in the most disadvantaged schools were most likely to be in larger classes, or have less-qualified teachers. Students in smaller classes still outperformed their peers in larger classes, even with less-qualified teachers. These students could be performing even better if all children in these schools had fully qualified teachers and smaller class sizes.

That is the Rand Corporation. If we want to try to do something to help children in local communities, let's take the best in terms of studies. Let's take the best in practical experience. Let's take the best in terms of our own intuition and understanding about a schoolteacher in a classroom where they are familiar with the children and can spend the time with the children versus in a larger classroom. That is what this is really all about.

Finally, I want to read this. I have other examples. In Fayetteville, AR, there is a wonderful story about a rural school that took advantage of the Murray amendment, because although we are resisted on the floor of the Senate by our Republican friends, in the past we were able to, under the leadership of Senator MURRAY and President Clinton, have an effective program that is currently working, and one we want to keep.

Let me just read a very brief letter from a student at the Richmond Elementary School from Narragansett, RI. I think it could have been from any number of children. This is from Marieke Spresser:

If I were in a smaller class, I would do more projects. I could talk more with my teacher about school. I could read more in my book packets. I could have more time for centers. I could have more time for snacks. I could ask more questions. I could talk more with my friends. The coat room would not be so messy and we would not waste the time looking for something. The line would not be so long.

My colleagues get the sense from this student. Even though there are references about other activities, my colleagues have an understanding, which the children have, that should not be lost as well. If we are talking about developing a legislative initiative that is going to present the best we possibly can to local communities, let them make their choice; let them make the decision. They are the ones who are going to ultimately make the request.

There is nothing mandatory in here, but let us at least pass legislation that reflects the best of educators and practical experience. The Murray amendment does that in spades. It is a compelling case. It should be accepted, and I hope it will be.

My colleague, the Senator from New York has arrived. The Senator from Washington can yield time to our colleague.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank the Senator from Washington. I rise to express my very strong support for Senator MURRAY's class size reduction amendment.

I have been in this Chamber several times in the last weeks talking about class size and have shown numerous pictures of conditions in the classes in the schools in New York. I have listened to the extraordinary description of other colleagues as to what their students and teachers face day in and day out because of overcrowded classrooms.

I know we will be making decisions that determine the opportunities for our educational achievement for our students for years to come when we vote on this amendment and on the bill of which I hope it will be a part.

I have to reiterate several points and call on my colleagues on both sides of the aisle to look at the evidence. I do believe sometimes in Washington we live in an evidence-free zone. It does not matter who comes up with whatever scientific research or evidence. If it runs against any particular political point of view, it is not given the seriousness it deserves.

I do not see how we can turn our backs on the evidence that we have from study after study that lower class size, when it comes to teaching children from disadvantaged backgrounds, makes all the difference.

Sometimes my colleagues say: But there are schools that do a good job with more students, and I remember when I was in school and we had a lot of students.

I can remember that, too. I started school when we had three television networks. I can remember when we had more two-parent families. I can remember when we did not have all of the social and cultural interference with raising children that we now face.

The fact is, we have to take our kids where they are today, and many of them today are coming from situations where they need more attention, more adult time, more discipline, more guidance in order to be academically successful.

We are turning our backs not only on the research which points that out time and again but on these children. I hope my colleagues who have not seen fit to support this amendment will reconsider it. It is not too late to cast a vote for the kinds of classrooms where teachers can teach and children can learn.

If you look at our big States with big cities—and I know New York has obviously a special set of issues because of the size of our school district in New York City, but it is not unique. In Pennsylvania, for example, the average class size in Philadelphia is 30 children per class. In Pittsburgh, it is 25 children per class. In Chicago, it averages 28. In Georgia, it averages 32.

This is not an issue for just Senators or teachers or school board members to be concerned about in debate. Much of the attention I have seen focused on this comes from parents who know their children are not getting academic assistance they need to do the best they can do.

There is a woman in New York whom I commend who started a grassroots parents organization called Class Size Matters. She began to form networks of parents around the country who know because they have seen with their own eyes and their experience of their children, that class size matters.

In Pennsylvania alone, this Class Size Matters network got 1,700 parents to sign a petition in just 2 days, urging the Senate to vote in favor of class size reductions.

I have heard from parents throughout New York who tell me in great detail how crowded their classrooms are and how they need help. This does not interfere with flexibility. This does not take anything away from the local school districts determining priorities, but it does give additional help and resources to those districts and those parents who know that unless we get those class sizes down, their children will not learn to the extent they should do so.

I also regret deeply that if we do not adopt this amendment, we will be stopping the progress we have made.

New York State has hired to date 2,600 teachers and has 700 more all ready to be hired. This will stop that hiring, and we know from the 2,600 we have already hired what a difference it makes in the classrooms of New York.

I believe that without dedicated funding for reducing class sizes, our

hardest pressed, most needy districts will not receive the dollars they need to reduce the classes.

Mr. President, I urge my colleagues to stand behind our children, our parents, our teachers and reduce the size of our classes and adopt Senator MURRAY's amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. How much time does the Senator from Michigan wish?

Ms. STABENOW. Five minutes.

Mrs. MURRAY. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I commend my colleague from Washington State who has been such a stalwart on this commonsense issue. If you were to ask anyone in the public whether it makes sense to have smaller class size so that our children can receive the attention they need from the teacher and have the opportunity to interact in the classroom and maximum opportunity to learn in the classroom, everyone would look at you and say: Well, of course, that ought to be a priority.

We have been able to back up the commonsense nature of this ideal with numerous studies that have been talked about by my colleagues today about what has happened around the country and the difference smaller class size makes.

I want to share with my colleagues what is happening in my great State of Michigan. I have a colleague, a former State senate colleague, Senator Joe Conroy, who is the Senator MURRAY of Michigan. For years he has been speaking about the importance of lowering the number of children in a classroom and how critical that is to teaching. He has been bringing those studies to Michigan, and Michigan finally took action in 1996.

For the 1996–1997 school year, thanks to Senator Conroy, Michigan created a pilot project in Flint, MI, to focus on grades 1–3 and to create a 17-student-per-teacher classroom, a ratio of 17 children to 1 teacher in the high-risk schools.

They found it was so successful after 3 years that the State of Michigan has begun to look for ways to expand that and has now expanded a classroom project to lower class size to 26 different districts in Michigan.

That is the good news. They found in Flint that, in fact, it made a difference that children's performance in reading and math increased dramatically. They are now looking for ways to bring that to children all across Michigan. But the challenge is that there are over 500 districts, and the State has been able to expand to 26 districts, but they need our partnership. They need this Murray amendment. Our children in Michigan need to know that we in Washington understand the critical importance of partnering with the States to lower class size so that our teachers can teach and our children can learn.

We have heard the numbers. We have heard about national studies. Let me just add an analysis of a Texas program that used data from 800 school districts containing more than 2.4 million children. They found that as the number of children in a classroom went up above 18 students per 1 teacher, student achievement fell dramatically. So the more children in the classroom, the lower the achievement.

We have seen study after study that has shown this. We have the opportunity in the Senate to show that we have responded to the common sense and the studies that have indicated very clearly the direction in which we should move as we look at improving education for our children.

I support having strong standards, high standards, and I commend colleagues on both sides of the aisle for initiatives that relate to accountability. But if we do not also provide the opportunity for children to learn in small classes, if we do not also focus on recruiting more certified teachers, and make sure there are an appropriate number of classrooms and they are modernized so the tools are there, we are only doing half the job.

I urge my colleagues to support the Murray amendment. It has made a difference. It will make a difference. The efforts that we have seen in Flint, MI, and now expanded across Michigan, have demonstrated very dramatically that if a teacher is able to spend the time in a classroom—and the ideal number we found in Michigan is 17 to 18 children per classroom—if you are able to do that, if that teacher has the opportunity to spend time with children in a small class, we know reading scores go up, math scores go up, and student performance goes up in general. We also know that classroom is more safe; there is a better opportunity in general for children to be in safe, quality schools when we focus on small class size.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mrs. MURRAY. Mr. President, I ask how much time remains on our side?

The PRESIDING OFFICER. The Senator has 16 minutes.

Mrs. MURRAY. How much remains on the other side?

The PRESIDING OFFICER. The Senator from New Hampshire has 43 minutes.

Mrs. MURRAY. I ask the Senator from New Hampshire when he intends to use his time? Mr. President, we have 16 minutes on our side and 43 minutes on the other side. If I could just inquire when the other side intends to use their time?

Mr. GREGG. I believe the Senator from Minnesota wished to speak. We will proceed after the Senator from Minnesota.

Mrs. MURRAY. I yield 5 minutes to my colleague from Minnesota.

Mr. WELLSTONE. Mr. President, I will just take 3 minutes because I want to give the Senator from Washington as much time as possible.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Michigan for her response. I ask unanimous consent I be included as an original cosponsor.

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

Mr. WELLSTONE. Mr. President, I heard the Senator from Florida state to the Senator from Washington he appreciated her grassroots perspective. I do as well. I didn't serve on a school board. I wish I had. I keep calling on people in Minnesota to please run for the school board. We desperately need good leadership on our school boards. There is no more important issue and there is no more important public service.

I certainly agree with what the Senator from Michigan has said. The only thing I would add to this debate is, while I didn't serve on a school board, I have averaged being in a school every 2 weeks for the last 10½ years. I love to teach. I was a college teacher. I was in Woodbury High School yesterday. I love being in schools. Almost every time now in the last year or so we have gotten into discussions about education, I pretty much ask students: What do you think makes for a good education? Where do you think the gaps are? What works well? what does not? Why?

Really, over and over again the first of two things students talk about is good teachers. When they talk about good teachers, they never then define good teachers as teachers who teach to worksheets. They are not talking about drill education. They are talking about teachers who fire their imagination, get them to relate themselves personally in relation to the material that is being discussed. Also you hear about smaller class size.

I agree certainly with the little ones, under 4 feet tall, it is critically important. But I frankly think it goes all the way through high school. When you ask students to talk about why, it is just a no-brainer to them.

They say the good teachers are the teachers who get to know us, who can interact with us and can really support us, and they are much better able to do that when there is a smaller class size.

I am a proud Jewish father. My daughter is a great teacher. Next year, the school in which she is teaching will have to lay off 40 teachers for many reasons, including an awful State budget. She will have 50 students in her Spanish class. It is hard to get to know them well and give them the help they need.

Maybe this is the best way I can support this amendment. She said she kept the parents around the night of the parent/teacher conference and had

them all crammed into the classroom. She sat them all down and said this year she has 40. She said: Next year, there will be 10 more. That means your child will get 1 minute.

If you think about a class, and they were all sitting there, thinking: This doesn't work very well, does it?

It does not. At the national level, the one thing we can say is there are certain priorities we have, and there is a certain commitment we make to all children wherever they live. We at the Senate say we know good teachers and small class size are important, so we make this commitment in our education legislation. Therefore, I am proud to support your amendment. I certainly hope it will be agreed to in the Senate.

I have no doubt that at the grassroots level in all of our States, the people we represent, including the students who maybe cannot even vote, view this as a priority for them.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally to both sides. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The Senator has 11½ minutes.

Mrs. MURRAY. The other side?

The PRESIDING OFFICER. They have 43 minutes.

Mrs. MURRAY. I ask the Senator from New Hampshire when they intend to use their time? Certainly we have several Senators coming to the floor. We would like to use our 11½ minutes. If the other side doesn't want to use their time, we would love to have some of it.

Mr. GREGG. I appreciate the generosity of the Senator from Washington. I yield to the Senator from Alabama 20 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the courtesy of the distinguished Senator from New Hampshire and appreciate his leadership on all issues relating to this education bill. As a former Governor and a person who has been deeply involved in trying to get the best possible advantage from every dollar spent on education, his influence has been very valuable to us in this body. I think President Bush—as a former Governor himself who made education a high priority, who traveled his State and who was in schools and met with school boards and principals all over his State, he wrestled with those kinds of issues that face all educators—also is providing great leadership. I am pleased to be able to support legislation that he proposes.

We deeply care about improving learning in the classroom. My wife and I both have taught. She taught a number of years. We care about it, have been active in the PTA and those kinds of things, and have tried to keep up with the relevant issues of importance to education.

With regard to class size reductions, it would seem that class size reductions is a wonderful idea. I am sure teachers would say: Wouldn't it be great if I had a smaller group of students? And teacher unions like it; they get to hire more teachers. Polling numbers show that people think they like that.

How are you going to improve education? What do you want to do? Poll? Reducing class size. That sounds like a good idea. It sounds like a good idea to me. It sounds like a good idea for politicians who want to please the public and do something about education. I have thought over the years it is a good public policy we ought to pursue.

I do not suggest there is no benefit from reducing the size of the class.

I think we need to be real serious about it. We are talking about a lot of money and a major commitment. We need to know whether or not this is the best way to achieve additional learning.

Senator MURRAY's goal is a noble one. I know it comes from her heart. She believes in it. But her amendment is, in fact, a federal mandate and a $2.4 billion requirement on education for fiscal year 2002 alone. It is in such sums as are necessary for the next 6 years. It would require States to use those funds to reduce class size whether this is, in their mind, a local need or not.

The bill we have under consideration would allow schools to use the already increased Federal funds for class size reduction, but it does not require them to do so. It leaves those decisions in the hands of the States and localities. I think they should make those determinations.

In addition to that, I think we ought to be real careful in this body when we pass an amendment—if we were to pass this amendment—that we would be sending a signal that it is the considered opinion of this body and the Federal Government that class size reduction ought to be made the No. 1 priority in the schools around America. If that were the right thing to do, I would feel more comfortable about this.

Reduction of class size is a highly expensive policy to place on the States. Many researchers have found little or no benefit in reducing class size.

Some would say, JEFF, that is just skinflint talk. You are always frugal. You are always worried about spending money, and you know that we are going to have more learning if we have smaller classes. Why would you suggest otherwise? I thought so myself. But the more I look at the facts and the studies, I am less and less convinced that we receive any real benefit from a reduction in class size.

Professor Hanushek, a professor at the University of Rochester, and now I believe at Stanford University, has written that class size reduction is best thought of as a political decision. Past evidence suggests that it is a very effective mechanism for gaining voter support, even if past evidence also suggests that it is a very ineffective educational policy.

The problem is, we are dealing with a counterintuitive circumstance here. But we weren't thinking this way in 1988. The Department of Education of the United States declared that reducing class size in 1988 was probably a waste of money.

Then we had a series of efforts and programs around the country and campaigns to raise this issue. It seemed to have taken hold.

I would like to mention a few facts that we need to consider if we really want to make sure the money we are spending benefits children.

In 1961, the average class size in America was 30. In 1998, the average class size was 23.

Most Americans who are thinking about reducing class size probably don't realize that the average class size in America is that small. I think we have made some very good progress in reducing class size already. In fact, that is almost a one-third reduction since 1960 in the size of classes.

Unfortunately, we need to ask ourselves what kind of benefit have we received from this one-third reduction, this reducing down to 23 students per classroom. If we look at the standardized test scores over that same period from 1960 to 1998, scores have fallen. They have not gone up.

You say, well, a standardized test is not a perfect evaluation for a lot of complicated reasons. That is true. But most experts who have studied these numbers will tell you they believe fundamentally test scores have not gone up since 1960. I think most would agree they probably have at least declined some.

The NAEP scores of 17-year-olds have been conducted since 1969, and from 1969 to 1995, class size dropped 23 percent. But NAEP scores on academic improvement show that math and reading were level and science and writing declined.

We have a continual decline in classroom size and no improvement in learning scores. I think that is strong evidence when we are talking about these numbers.

Make no mistake. When we reduce a class size by one-third, what have we done? We have required that we hire one-third more teachers. We have required that we build one-third more classrooms; that we will have one-third more insurance to pay for; one-third more maintenance; and one-third more upkeep and all the things that go with operating a school—a tremendous wealth investment in classroom size reduction.

We have had big classroom size reductions, and I have always thought that was great. But we surely haven't had great test score results in recent years.

The question I guess would be, if we have already had a one-third classroom size reduction and no benefit, why do

we think further reductions of a significant order are going to be paid for in increased educational return? I think that is the question with which we need to wrestle.

In 1994, Professor Hanushek did a study. He examined 277 studies that have been conducted of the effects of classroom size in America. He took every one of them. He pored through their data and examined it and reached a number of startling conclusions. He published his study. It showed that in statistically significant studies 15 percent of the studies found some positive benefit from reducing classroom size and 13 percent found a negative benefit from reducing classroom size—negative, adverse consequences from reducing classroom size. Seventy-two percent were basically neutral and didn't show any effect. If you took all the studies, it was 27 percent positive and 25 percent negative.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. Yes.

Mr. KENNEDY. To what studies are we referring? I am trying to understand. We had the study in Tennessee, and the STARS study. I am trying to find out what these studies are and who conducted them.

Mr. SESSIONS. This is a study by Eric Hanushek, a professor at the University of Rochester who published his writings, and who I think is well known in the field and referred to by experts.

Mr. KENNEDY. I apologize to the Senator. I did not hear him.

Mr. SESSIONS. Professor Hanushek.

Mr. KENNEDY. Where is he from?

Mr. SESSIONS. He is now from Stanford University, I believe. He was at the University of Rochester, I believe, previously.

Mr. KENNEDY. What is the title of the study? I want to have a chance to review it.

Mr. SESSIONS. I would be glad to get the Senator the information.

Mr. KENNEDY. Is this the only study that we are using?

Mr. GREGG. Will the Senator yield on that point?

Mr. SESSIONS. I would be glad to yield and talk about it specifically.

Mr. GREGG. Hanushek is a professor at Rochester. He looked at 300 different studies on the question of class size and its effect on pupil performance in the classroom. He also looked at teacher performance in the classroom and teacher professionalism and performance in the classroom. Within those 300 different studies on that subject, he evaluated and came to the conclusions being related by the Senator from Alabama very precisely.

Mr. KENNEDY. Is this the only study that the Senator is using? I used the Tennessee study, the California study, and then the Prince George's results. I am wondering whether the Senator has other studies? I know the Senator from Tennessee referred to multiple studies that are being done on this. I was just trying to be able to look at the studies myself.

Mr. SESSIONS. I will be glad to provide the Senator his analysis of the existing studies he reviewed. That was his conclusion.

He also reviewed the Tennessee STAR report in some depth and concluded that its methodology was dubious, that benefits, at best, were very small, even under the STAR report. It took an heroic endeavor by the writer of the STAR report, based on a single British study of how much more money you make, if you receive a little more education, to justify the expense of it.

His conclusion was that the problem with that analysis is that it compares something to nothing. If you count the amount of billions of dollars that were spent on reducing class size, and you receive such a minimal benefit, perhaps it would be better spent in focusing on questions such as quality teachers.

We know, for example, that good teachers benefit students dramatically. We have studies, that I think are not disputed, that top-quality teachers can produce learning in a year of 1.5 year's worth of learning under their tutelage, whereas a poor teacher may produce an average of .5 year's worth of learning. In other words, an excellent teacher could gain for a child in learning a full year's advantage over a poorer teacher.

If we are going to go out and hire one-third more teachers to reduce class size further down, aren't we running a risk, and isn't that probably why the numbers do not show the kind of improvement we desire? Because we are bringing in less qualified teachers, who may not be producing the kind of quality learning environment that excellent teachers would be. Which would you prefer?

Mr. KENNEDY. May I ask the Senator a question?

Mr. SESSIONS. Yes.

Mr. KENNEDY. Did you review the Rand study? You mentioned that they did the STAR school study and that he questioned that. They had the SAGE review in Wisconsin. And they have the Rand study, which involved 1,800,000 children last year, with very positive results. This is the Rand Corporation. I wonder if——

Mr. SESSIONS. I would like to see the Rand study. I would just say this, that Michigan Professor Linda Lim has done comparative studies of the United States and Asian schools and found that class sizes are 50-plus in places such as Taiwan and they have not kept those schools from surpassing ours.

Mr. GREGG. If the Senator from Alabama would yield?

Mr. SESSIONS. I will.

Mr. GREGG. The Rand study came out after Professor Hanushek completed his study in Rochester. The Rand study has been referred to by the Senator from Massachusetts. I think it is important to note that what the Rand study concluded was that class size might impact student performance but it was the most expensive way to accomplish it; that, in fact, you got much more benefit from the dollars spent if you improved the teacher quality, if you improved the resources of the teacher, in most instances. That was the specific conclusion of the Rand study.

In fact, the average cost per pupil for reducing class size to 17 students, under the Rand study, was found to be $450 per student in a high-poverty district, whereas the same academic aims could be achieved with the average cost of $90 per pupil by providing increased resources and improving the capability of the teacher to teach.

The point, of course, of the underlying bill, which the Senator is trying to amend, is that we give that flexibility to the local school districts. We say to the local school districts: If you need to hire more teachers, you can. But if you think you want to improve the support facilities for the teachers, you can do that, or if you want to improve their talents, you can do that.

We are giving that option to the State and local school districts to decide which is the most efficient, effective and cost-effective way to do this.

Mr. SESSIONS. I think the Senator from New Hampshire is precisely correct. It may be that a school system is in circumstances where they believe that class-size reduction is important. That can be done under this bill as it is written today. They can use the funds for class-size reduction.

But I think we ought to be careful that we do not require them to take steps that could cost tremendous sums of money, money which could be better spent for bringing in a high-quality computer laboratory, a new science laboratory, the latest and best ways to teach mathematics, sending teachers to attain advanced degrees and advanced training in history and science and math and how to teach reading. Those kinds of things may be more important than simply whether the number of students in the classroom is 20 or 16. If you go from 20 students to 16 students in a classroom, that is a 20-percent increase in the number of teachers you have to hire. If you go from 20 students to 16 students, you have to have 20 percent more classrooms and 20 percent more overhead and cost.

So I would just say that from Professor Hanushek's analysis, and from what appears to be common sense over 40 years of rapidly reduced class size with no academic benefit, we ought to be a little bit humble in this body before we start suggesting that it is the sole and best way for any school system in America to spend its money to enhance learning. That is all I am saying in opposition to this amendment.

I have serious doubts that this is the best leadership we can give to American schools. If the best we can say is, don't make any changes, keep on with business as usual, we will just give you more money and more teachers and a smaller class size, that is not going to

guarantee that learning will improve in America. We have not seen that improvement. The data does not show it. Serious scientific questions have been raised about the importance of it.

With regard to the highly touted Tennessee STAR experiment, that experiment was based on a class reduction of eight students over the comparative-size classroom—a very expensive proposition. If you have 24 students in a class and you reduce the class size by 8 students, and go to 16 students, you have increased the number of teachers needed by one-third and increased the number of classrooms needed by one-third. That is a huge increase and huge reduction in class size. We have, at best, according to Professor Hanushek, something like a .2 percent statistical or standard deviation improvement, raising real questions about the validity of that.

So the critical issue for us, it seems to me, is that we do not need to be pressing this mandate down on schools, requiring them or making them think that the only way they can get Federal money for this project for teachers is to go on a commitment.

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

Mr. SESSIONS. May I have 30 seconds to wrap up?

Mr. GREGG. I yield the Senator another 2 minutes.

Mr. SESSIONS. We need to be sure we are not spending $2.4 billion a year in encouraging a further investment in classrooms and overhead for schools on a policy that sounds good—that is, to reduce class size even further than we have reduced it in the last 30, 40 years—when we may not be receiving an educational benefit from it.

I do not know about all the studies, but I know this professor examined 277 of them as of 1994. He found no benefit statistically proven for smaller class sizes in education. Isn't that stunning? It is almost counterintuitive. But that is what he found. No studies that I have seen have shown any dramatic improvement.

So I think we ought to allow the local school systems a choice as to whether they want to go to smaller class sizes, improve their science lab, or have better teachers, more funding for top-quality teachers, more training for teachers who are weak. That kind of choice would be better for education.

We need to be more humble in this body about what we think we know.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. Eleven and a half minutes on the Senator's side and a little over 20 minutes on the other side.

Mrs. MURRAY. I thank the Chair.

I yield 7 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 7 minutes.

Mr. REED. Mr. President, I rise in strong support of Senator MURRAY's amendment to authorize class size reduction. I have been listening to this rather pedantic discussion of studies and analyses. We can point on one side to a study from Tennessee and on another side to a study from an eminent expert from the University of Rochester. The reality is much more obvious.

Ask any parent in America if they want to have their children in a class of 27 or 15. The answer is always 15. Go to any prestigious private school in America and they are not advertising: Come to our school; we have 50 in a class just like Taiwan. They are saying: Come to our school; small class size; constant contact with teachers—the kind of atmosphere that provides for academic success.

Look around. Just last week, the headline in the Washington Post read: ''Pr. George's Test Scores Show Best Gains Ever.'' What did the superintendent want to do with these remarkable results? The superintendent said she hoped that the county and State leaders would see the test scores as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings. That is not some scholar from Rochester or some statistician looking at Tennessee. That is the superintendent, a local school official, who said: We are doing better, but we can do better if we lower class size and repair our buildings.

The other point that should be made is that this program is voluntary. It is not a mandate. It does not say: If you take this program, you cannot have any other Federal program in the realm of education. I have seen the results firsthand.

In Providence, the capital city of my State, they use this program very flexibly, very innovatively. They sought a waiver to use class size funding for literacy coaches that would coteach in elementary schools half the time, and deliver school-based professional development the other half of their working time. Through this program, we are able to do what everyone on this floor seems to be talking about: reduce class size and enhance professional development.

This is a program that we have supported over the last several years on a bipartisan basis. We made a downpayment to help communities hire 100,000 teachers. That is something that every parent in this country wants. That is something, apparently, that school leaders such as Superintendent Metts of Prince George's County want. It is something that scientists and researchers have indicated is working in Tennessee and elsewhere. It is something that obviously should be done, and I support Senator MURRAY.

I make two other points: First, class size reduction has to be tied to funds to increase the number of classrooms. That is another portion of an amendment that has been brought to the Chamber.

In addition to that—and this is reflected in a note I received from Jonathan Kozol—by gearing up with an elaborate testing regime, we are putting the cart before the horse. We should first be reducing class size. We should be first increasing title I moneys. We should then go ahead and provide for funds to improve the physical structure of schools. Maybe at that point, maybe when urban children have the same environment, the same teacher ratios as you see in suburban communities, we can start testing them.

We are going to test these children, and urban kids are going to do much worse than suburban kids. Why? Not because they are not capable. But when you are in a school that is falling down, when you are in a school with a large number of children, much larger than the suburban areas, when you have teachers who are not getting the professional development they need, you are not going to get the kind of results you get elsewhere. That is the reality.

We can talk about tests and studies in Rochester and elsewhere, but the reality we know. Frankly, most of us, if we had a choice to send a child to school, we would look for smaller classrooms. We would look for buildings that are not falling down, teachers who are highly motivated, highly qualified, and highly prepared. That is where we would send our child.

Let's give every American family that chance. The one way to do it is to support the Murray amendment.

I yield back the time to Senator MURRAY.

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

Mr. GREGG. Mr. President, I have spoken at some length prior to this time on my concern for the Murray amendment. I know it is well directed and well intentioned, but it fails to appreciate the fact that local schools have a variety of needs for their teachers.

Some schools need more teachers, so they want to hire them. Some need better qualified teachers, so they will want to improve the ability of the teachers who are in the classroom. Some may have high-quality teachers they want to keep in the classroom but are being attracted to some other private sector activity or public sector activity, so they need to pay the teachers more. Some classrooms just need more technical support to assist the teacher or teaching aids such as computers or some sort of monitor capability that allows the student to interface with the teacher in a way that the teacher can guide them.

We don't know the answer to which one of those teacher tools are needed, whether it is more teachers, better teachers, better paid teachers, or better support for teachers. Therefore,

this bill addresses the issue by giving the local school districts the option of choosing, of taking the teacher money and the Eisenhower grant money, merging it and saying to local schools: You make the decision on teachers, if the money must be spent on teachers. You make the decision as to how you can best improve your classrooms. You, the principal, the family, the parents who participate in the PTA, or the school boards, the actual teachers make the decisions, rather than creating an arbitrary program which says every school in America needs to have more teachers, when that is not necessarily the case.

In fact, 48 to 46 States—something like that—44 States already have teacher ratios of 18 to 1 on average in their States. As a practical matter, a lot of States already meet the criteria for which the original concept of this bill was set up. What those States need is better teachers, better trained teachers, maybe teachers who are better paid, and keeping teachers in the classroom.

There was one thing said by the Senator from Rhode Island with which I agree. He said most parents are going to choose a school that has better teachers or smaller class size or better facilities. Unfortunately, the other side of the aisle isn't interested in allowing choice in the classroom. They have been resisting choice since the debate started.

There will be an opportunity to set up a demonstration program which will allow 3 States and 10 school districts to apply to use choice as an option so that parents can choose as to whether or not they want to stay in that school that is working or maybe a school that is failing, but in any event, whether they want to stay in a school or whether they want to move to another school.

We have in this bill something called supplemental services which says to parents, if your child is in a failed school, after 3 years you can go out and get tutorial support for your student. But if your child is in a failed school and that school has failed for 3 years, you should have some other choice—if you want to be able to take your child and move them to another school, a private school, if that is what you want as your option. That is what happens in Philadelphia. It is what is happening in Arizona and Florida. It is what is happening in a number of areas across the country where schools are consistently poor, consistently failing, which are not educating the children, where when you send your child off to school in the morning, you don't know whether they are going to be beaten up or subjected to some sort of exposure to drug sales or whether they are going to learn anything. A parent should not be put in that position.

Remember, it is interesting what we are talking about now. We are not talking about wealthy parents or even moderate-income parents. In those instances, most of those parents, if they have decided to choose—and many of them have by physically living in a different area than they otherwise might, than in an urban area, for example—those parents will make the choice. We are talking basically about low-income parents in urban areas and specifically single moms with children.

Those are the people we have trapped in schools that fail year after year after year. We say to that parent: I am sorry; your kid is never going to be given a chance in America because we are never going to educate your child. We are never going to give your child an opportunity to be educated. We are always going to send them to a class where we know that class is not working, a school that we know has failed for 3, 4, 5 years. We are not going to give you any options or any opportunities for choice.

I was interested to see that the Washington Post, which isn't necessarily a conservative newspaper, has come out very strongly in two editorials in the last 2 weeks saying: Let's at least try a demonstration program on the issue of choice, on the issue of portability. Let's pick a few districts across the country where people are locked into schools that are failing, especially low-income parents, and give those parents some other opportunities.

When the Senator from Rhode Island talks about giving choices, yes, I am for choice. I am for saying to schools that have for 2, 3, 4 years not met the grade and their children are locked in those schools on a path which means they cannot participate in the American dream because they are not learning: You have to straighten up. You have to do a better job or else the parents or the kids are going to get some options that are real. They are going to be able to take their kids and put them in schools where they are actually learning something. That is a big issue.

Back on the issue of class size, this bill as it is presently structured addresses that issue. It addresses it with flexibility. It makes a decision on whether or not a new teacher should be hired to the local school district. But it gives the local school district the discretion that if it does not need new teachers but, rather, needs to pay teachers more or improve the quality of teachers or give teachers technical support, they can do that instead.

I just don't understand the philosophy of a Government that says we in Washington know how to run the local schools. I don't understand that. That is essentially what this amendment does. It says if you want the money, you are going to have to hire more teachers; we in Washington know you have to have more teachers.

A lot of school districts in the country don't need more teachers; they need better teachers. By adding more teachers, you end up with worse teachers. The California experience is exactly that. They dramatically increased the number of teachers. They went from 1,000 unaccredited teachers to 12,000 unaccredited teachers, which meant 12,000 teachers who may not know how to teach because they were not accredited and who may not even know the subject matter they are teaching were added to the classrooms.

So reducing class size didn't help those kids. All it did was mean fewer kids got poorer teachers. Good teachers in the classroom is the key—a quality teacher, not necessarily class size. That has been shown in study after study.

As a practical matter, this is too much a one-size-fits-all amendment. This is that stovepipe approach that says we in Washington know how to run you, the local school district, versus saying to the local district: If you need more teachers, you can hire them—which is what our bill says—and if you need better teachers, you can try to improve teachers' ability. If you need to pay your best teachers more, you can do that. If you need to support teachers, use the money that way. It is a much more logical and flexible approach which addresses the needs of school districts in a much more practical way rather than simply command and control from here in Washington.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seven minutes.

Mrs. MURRAY. I yield 2½ minutes to the Senator from Washington and then 2½ to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I thank the Senator from my home State for yielding me time on this amendment.

I applaud Senator MURRAY for her consistent and passionate support for education throughout her political career. Her advocacy for education has deep roots dating back to her early experience as a legislator working for more funding for schools in her own special experience in volunteering and schoolteaching children in the Shoreline area.

This amendment is very important for the reasons some of my colleagues have said. It will provide the type of flexibility our school systems need. It is something that has been proven to work, and this is a program that works. Over the last 2 years, when we say a program has worked, we can show success. Thanks to this program, 1.7 million children across the country and over 23,000 schools are benefiting from smaller class size, primarily in the early grades when children most need personal attention from their teachers.

As we have heard from other speakers, smaller class size not only has demonstrated an impact on increasing educational performance but also has helped to limit disciplinary problems,

and, importantly, small class size has helped encourage greater parental participation in their children's education.

I strongly urge my colleagues to support this legislation that will lead to better student achievement, fewer discipline problems, more individual attention, better parent-teacher communication, and dramatic results for poor and minority students. This program does provide flexibility. Up to 25 percent of these funds can be used for other things. This is a program we cannot afford to cut but we need to continue because it is working.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I certainly thank the chairman, the sponsor of this amendment. I want to ask her if she would be kind enough to yield for a question.

Mrs. MURRAY. Yes.

Mr. DURBIN. I have listened carefully to the Republican opposition to this amendment to reduce class size in America. I am stunned at the suggestion that putting fewer kids in classrooms does not create a better learning experience. Every parent knows that. I can recall raising one child, then two, then three, and how the challenge grew geometrically as the number of children grew. I can't imagine facing a room full of 30 kids and saying it is just as easy to teach there as it is in a room of 13 or 18 children.

The thing that is said repeatedly by one of our colleagues is that ''this is a mandate.'' I ask the Senator from Washington to say once and for all, are we mandating school to districts that they have to reduce class size with this amendment?

Mrs. MURRAY. I thank the Senator for his question. Let me make it very clear, this is not a mandate. This is funds that are available to school districts to use to decrease class size. School districts that need those funds dramatically can apply for them with a simple application. The funds go directly to them. They are able to use them. It is not a mandate.

Mr. DURBIN. I thank the Senator.

The difference here is that most of us come to this debate as former students and parents. Senator MURRAY comes as a former teacher—one of the few in this body. She has stood in front of classrooms of children and taught them. The rest of us here have been pupils sitting at desks or parents wondering how our kids are doing. She comes here saying lower class size gives teachers a better chance to reach children. It is not just her opinion; studies show it.

The STAR project in Tennessee, which has been followed for years, showed significant gains in smaller class size. In Chicago last week, Larry Hedges at the University of Chicago and Barbara Nye of the University of Tennessee produced a study that found that smaller class size in the early grades produced better math scores not only in the third grade but all the way into high school—a full 6 years after the student was in a small elementary school class.

It stands to reason. Think about how discouraging it must be for a child who has a special need or a problem to be ignored day after day after day, until they have lost all interest and fall behind. In a smaller class a teacher can reach out and pick out a child who needs special attention. This is not a mandate; it is an option that makes sense.

We have decided in this bill to focus on the needs for reading—and I support that—and the needs for technology—and I support that, too. Just because President Clinton came up with this idea doesn't mean it is a bad one. It has worked. It has reduced the size of classes across America and has given kids a better chance. I don't think that President Bush, who has called for bipartisanship, should have a negative attitude just because this idea came about on someone else's watch. Aren't there some good ideas on both the Democratic side and the Republican side that we might put into this bill?

Sadly, unfortunately, that is the part of the debate we have overlooked. More than 29,000 teachers were hired with Class Size Reduction Program funds in 1999, benefitting approximately 1.7 million young students. This bill eliminates that program. To do that is to turn your back on basic human experience: A teacher with a smaller number of students is going to be a better teacher and the students will have a better chance.

I support the Senator's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, how much time do we have?

The PRESIDING OFFICER. There are 12 minutes 50 seconds on the Senator's side and 1 minute on the other side.

Mr. FRIST. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to restate the significance of the vote that we will have in about 2 hours—exactly 2 hours, as a matter of fact. It is a vote that will reflect the underlying principles of freedom—freedom to identify local needs and respond to those needs in a way that is specific to the problem, to the challenge, to the need in the community, or in a school, and address the principle of who best decides how to accomplish the goal we all agree to, and that is boosting student achievement. Is it Washington, DC, the Federal Government, or is it parents, local communities, local schools, principals—the very people who can identify what the needs might be?

The legislation captures it all in many ways, and therefore I think that we, our colleagues, and the American people should follow closely how the votes go because the bill captures that principle of flexibility and local control versus sort of a one-size-fits-all programmatic approach, a categorical approach that has so characterized our efforts over the last 35 years.

In 1965, the Elementary and Secondary Education Act was passed. Since that time, there has been, literally, a litany of programs, not 10, 20, 30, or 40, but 50, 60, 70—up in the hundreds by some counts—of well-intended programs based on the idea that if there is a problem it can be fixed by Washington. For example, if there are too many students in classrooms in one part of the country; let's try to fix it in Washington by telling the local communities how to spend their education dollars.

Mr. President, this is about freedom, the freedom of local communities to use federal resources—resources that come from the taxpayers, the people back home, wherever our homes may be—as they see fit. Those resources, those dollars, begin with the taxpayer, then come to Washington, DC, where they are distributed through huge bureaucracies in these categorical programs—all well intended—but all of which have been layered one after another, like this amendment, over the last 35 years and essentially accomplishes nothing when measured against student achievement, or the goal, which President Bush has spelled out so beautifully and demonstrated such true leadership, of reducing over time the achievement gap that exists between the served and the underserved.

If that is truly the goal, we clearly need to do something different, and that something different, as outlined by President Bush, and as incorporated in the underlying bill, is to maximize accountability through assessments and testing, and to provide local communities with the flexibility they need to identify needs and use the resources we make available to address those needs.

As was spelled out today, as well as earlier this week and last week, we have emphasized, in the underlying bill, which is a bipartisan bill supported by both sides, the relationship between teacher and child. Close your eyes and see it: There is a teacher, students, books, technology, computers, but what really ends up having the most value is that relationship between teacher and child. There are many other variable, the number of students in the classroom, how disruptive the students are, how safe the classroom is.

But if we put all those variables in there, we know that at the end of the day, if you have a bad teacher or a poor-quality teacher at the head of the class, nothing else matters very much. It is the quality of the teacher—not just the number of teachers, not just warm bodies in the room—but the quality of that teacher matters. That, as indicated by the studies I cited earlier today, is what determines how well that individual child learns.

What is good about the underlying bill, and why I strongly urge my colleagues to oppose the Murray amendment, is that we do not make that decision. The data is there. We do not force or encourage or incentivize the system to go one way or the other in terms of higher quality teachers, better recruitment, or professional development versus hiring another teacher and reducing class size.

We basically say: No, you decide. If you are in Nashville, TN, in a disadvantaged part of Nashville, TN, or in rural Tennessee, you decide how you can best use that education dollar based on your local needs. The pooling of resources, the discretion we give to local communities about how to use that dollar we feel is so important, we believe that school districts should have the flexibility to decide whether to use the money we have made available for reduced class size, for teacher training, for technology in the classroom, or some other means to reduce the student achievement gap.

There is some data, as I mentioned—again, I am one who thinks class size is, indeed, an important issue. I just think it needs to be determined by a particular school or a particular district rather than by Washington, DC.

There are studies that have prioritized the importance of class size. The National Commission on Teaching and America's Future found that, if your goal is student achievement, then teacher quality is five times more important than class size per se. Class-size reduction is important, but in a relative sense it is less important than having a good quality teacher.

The New Hampshire Center for Public Policy Studies found student grades were not linked to class size. Smaller classes did not lead to better test scores, and that there was no difference in the achievement of students from small classrooms versus those from large classrooms.

In Dallas, researchers confirmed that one of the studies that was done at the University of Tennessee found that not only did high-quality teachers have an enormous impact on student achievement, but that low-quality teachers actually stunted the academic performance of their students.

We have a shortage of high-quality teachers. People who say class size is the answer need to recognize—again, it has been spelled out over the course of the morning and last week—that there is a shortage of high-quality teachers.

We do need to invest—remember, the purpose of this bill is to invest in education because the role of the Federal Government is no longer spender but investor. We know this because after about $120 billion over 35 years, we are still not accomplishing our goal. So, it's not just a matter of money but a matter of investment. If you are a prudent investor, you need to make sure that the outcome is delivered, and in education the outcome is student achievement.

If we have compulsory class size reduction, basically we are putting more teachers in the classroom. But if we have a shortage of high-quality teachers, by definition it means we are going to be taking lower quality teachers.

The data outlined is clear: You actually hurt children rather than help children if you are putting poor quality teachers in a classroom today and, therefore, it is very important that you weigh the relative importance of putting just bodies at the head of that class, interacting with your children, against putting high quality people at the head of the class.

The point is, we give the school, the school district, the parents, the opportunity to make that choice based on the needs they identify—it could be through assessments, it could be identification of that local need in any way that school district or that school sees fit.

Our underlying bill is very different from the Murray amendment which overrides the school district priorities, and overriding the school district priorities in many ways restricts that choice, that freedom. That is why I urge defeat of the Murray amendment and hope my colleagues will join me in defeating that amendment.

Again, as has been outlined in the underlying bill, we stress professional development, as well as class size, but it must be a local choice.

Mr. President, I yield the floor and urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mrs. MURRAY. Mr. President, in my last 1 minute, I will address two quick points. Our colleagues keep referring to local control. How can one define a bill against an amendment that it should be local control when this underlying bill itself requires Federally mandated testing, requires funding streams for reading, for technology, for 20 other programs? That is fundamentally a flawed argument against this.

Our argument is about local control. Local schools decide whether they want to reduce class size knowing they have a Federal partner if they want to make that happen.

Second, I keep hearing the Hanushek study referred to.

Let me remind my colleagues that the Hanushek study is based on study of pupil-teacher ratio which includes all of the certified people in the building which is today almost everybody. Hanushek is fundamentally flawed because he does not look at class size. All of the studies that we have shown from Wisconsin, Tennessee, the RAND study, and the California study dramatically show that reducing class size increases student performance.

How tragic it will be if this Senate does not approve this amendment and keep the commitment to reducing class size that we began 3 years ago.

Thank you, Mr. President.

Mr. SPECTER. Mr. President, I seek recognition to comment on Senator MURRAY's amendment regarding class-size reduction. Yesterday, I withdrew my second degree amendment, amendment No. 388, which would have accomplished what I sought to do last year on the appropriations bill covering the Department of Education. I would have preferred to give class-size reduction in hiring new teachers a presumption among the various items which the Federal funds could be spent for on teachers. If a school district would make a determination that other issues—such as training teachers to improve the education of students with disabilities or those with limited english proficiency—are more important, then I believe Federal funds should be available for those purposes as they may be decided at the local level.

As chairman of the Appropriations Subcommittee that is responsible for funding critical labor, health and education programs, I have sought to strike a balance between providing States and localities the flexibility they need to implement programs designed to improve the academic achievement of all students—thereby relieving them of Washington's straightjacket—and placing the highest priority on those issues that we deem critical to the success of America's schoolchildren.

I believe that we must weight carefully the flexibility our States and school districts need to improve student achievement with priority programs such as class-size reduction. The underlying bill will permit the Federal funds to be used for class-size reduction by hiring more teachers although it lacks the impetus which a presumption would have given.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, I yield the remainder of my time.

RECESS

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

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. THOMAS).

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Continued

The PRESIDING OFFICER. We will now resume consideration of the Murray amendment No. 378. There are 5 minutes equally divided before the vote.

The Senator from Washington.

Mrs. MURRAY. Mr. President, in a minute we are going to be voting on a

very important amendment which reduces class size in first, second, and third grades and continue the commitment this Congress has made in the last three years.

Frankly, I cannot believe the Senate just spent 2 hours debating whether or not smaller class size makes a difference. We know it makes a difference. Any teacher, parent, or student will tell you that, and we have the research that proves it.

This vote is our opportunity to support the progress being made in schools across the country and to show that we are willing to invest in the things that work. If our colleagues vote against this amendment, in September when parents find their kids back in overcrowded classrooms, they are going to be upset. They are going to want to know why you voted against smaller classes. You can tell them about flexibility, choice, and funding pools, but the truth is, none of those buzzwords will help their kids learn to read when they are fighting just to get a teacher's attention. The choice we make today will demonstrate whether ''no child left behind'' is just a catchy campaign slogan or a national commitment. I hope it is the latter. I urge my colleagues to support this amendment, and I yield back the remaining time on our side.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Murray amendment. The bill before us clearly states that Federal funds must be used for activities that will improve teaching and learning in the classroom, including the hiring of highly qualified teachers, if that hiring will improve student performance. The decision as to how Federal money is to be used is up to the local school district.

Although there are teacher shortages in States and localities, there are also areas where teacher shortages are not prevalent. As you can see from this chart, which illustrates class size over the last 40 years, the recent trend in the mid to late 1990s indicates that class size is averaging around 17 students per teacher.

I oppose the class size reduction amendment because I believe local schools are in a better position than we are to determine how best to distribute funding in regard to professional development and hiring practices. S. 1 gives local school districts the opportunity to make their own decisions about the expenditure of dollars for the purpose of improving their teacher corps, which, in turn, will hopefully lead to gains in overall student performance. I urge my colleagues to oppose this class size amendment.

Mr. President, I yield back the remainder of my time.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

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

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MILLER (after having voted in the negative). Mr. President, on this vote, I have a live pair with the Senator from Hawaii, Mr. AKAKA. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay.'' I, therefore, withdraw my vote.

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—48

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

NAYS—50

Allard	Fitzgerald	Murkowski
Allen	Frist	Nickles
Bennett	Gramm	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Ensign	McCain	Warner
Enzi	McConnell	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Miller, against

NOT VOTING—1

Akaka

The amendment (No. 378) was rejected.

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

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

The motion to lay on the table was agreed to.

The Senator from Kansas.

AMENDMENT NO. 413 TO AMENDMENT NO. 358

Mr. BROWNBACK. Mr. President, I have an amendment I call up.

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

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself and Mr. KOHL, proposes an amendment numbered 413.

Mr. BROWNBACK. 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:

(Purpose: To provide for a study regarding the effects on children of exposure to violent enterainment, and to require the National Assessment of Educational Progress to gather information regarding how much time children spend on various forms of entertainment)

At the end, add the following:

SEC. 902. STUDY AND INFORMATION.

(a) STUDY.—

(1) IN GENERAL.—The Director of the National Institutes of Health and the Secretary of Education jointly shall—

(A) conduct a study regarding how exposure to violent entertainment (such as movies, music, television, Internet content, video games, and arcade games) affects children's cognitive development and educational achievement; and

(B) submit a final report to Congress regarding the study.

(2) PLAN.—The Director and the Secretary jointly shall submit to Congress, not later than 6 months after the date of enactment of this Act, a plan for the conduct of the study.

(3) INTERIM REPORTS.—The Director and the Secretary jointly shall submit to Congress annual interim reports regarding the study until the final report is submitted under paragraph (1)(B).

(b) INFORMATION.—Section 411(b)(3) of the National Education Statistics Act of 1994 (20 U.S.C. 9010(b)(3) et seq.) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, in carrying out the National Assessment the Commissioner shall gather data regarding how much time children spend on various forms of entertainment, such as movies, music, television, Internet content, video games, and arcade games.''.

Mr. BROWNBACK. Mr. President, I rise today to urge the adoption of this amendment to S. 1. I am delighted to be joined in this effort by my friend and colleague, Senator KOHL from Wisconsin. I would also like to thank the chairman of the Committee on Health, Education, Labor, and Pensions for his work in securing the passage of this amendment. I think this is a noncontroversial amendment so I am going to summarize the point.

Over the past several years, we have had a number of hearings by this Congress about the impact of entertainment, particularly violent entertainment, on children, and the accessibility of such entertainment to children. This last summer we had the six major health organizations in the country—the American Medical Association, American Psychiatric Association, American Academy of Pediatrics, and others—sign a statement which said that exposing children to violent entertainment can actually cause increases in aggression and hostility and decreases in empathy.

Since then, there have also been reports of studies focusing on how violent entertainment affects a child's brain activity. Less than a month ago, USA Today reported on one study conducted by Professor John Murray of Kansas State University. It showed the results of MRIs taken of children who were watching violent film clips. The reporter concluded: ''The scans showed that violent film clips activate children's brains in a distinctive, potentially violence-producing pattern. Although children may consciously know

that violence on the screen isn't real, their brains are treating it as gospel truth.''

We know that a young child's mind goes through extraordinary development, particularly before the age of 7. We know the influences on their early life can profoundly affect both what they think about and how they think. New research has provided interesting insights into how parents can create the best learning environment and most encouraging learning environment for their children—what influences and factors will encourage the healthiest development of a child's intellect and cognition and enhance their abilities as they develop and move forward in life.

Despite these studies and their implications for the way a young child's mind grows and develops, as well as how they perform in school, there has been very little study on how exposure to entertainment, particularly violent entertainment, affects their cognitive development. This is not a data gap; it is a chasm. And it needs to be filled.

It is in the public interest to find out what the impact of exposing children to violent entertainment has on their cognitive development. It is also in the parent's best interests, as well as in the best interests of children, and, obviously, it is in the best interests of this country. Therefore, the amendment I am proposing, along with my colleague, Senator KOHL, would be a first step in addressing this data chasm.

It calls for a study on how children's cognitive and academic achievement are affected by exposure to violent entertainment. It calls on the National Institutes of Health and the Department of Education to jointly work out a plan for conducting this study, subject to congressional approval, and to report its findings.

The more we know about how our children's young minds are formed and cultivated, the better we can educate, nurture, and care for them. This amendment is an important step towards realizing that goal.

In conclusion, let me say this: We know that currently children in America spend more time in front of a television, a computer screen, or a play station than they do in school. They certainly spend more time in front of one of those screens than they do talking with their parents. We know children spend a large portion of their waking hours focused on entertainment, and we can assume that it has some impact on their thoughts, attitudes, and even abilities. But what we do not know yet is what exposure to violent entertainment does to a child's cognitive abilities. Some of the early studies seem to be very troubling about what it is doing to a child's brain. That is why we are asking for this study, so we can learn about this much better.

Mr. President, I wonder if Senator JEFFORDS, the manager of the bill would be willing to engage me in a short colloquy concerning the pending Brownback-Kohl amendment.

I thank the managers of the bill for their willingness to include our amendment in the education bill. We think this is an important addition to the legislation because it will give Congress and the Department of Education a tool for evaluating the effect of violent entertainment on the cognitive development and educational achievement of our children.

It is the Senator's intention when we go to conference in the House to make every effort to assure that the Brownback-Kohl amendment is included in the final version of the bill?

Mr. JEFFORDS. Mr. President, this amendment has been cleared on both sides of the aisle. We all agree that the Brownback-Kohl amendment, which would gather data on the use of violent entertainment by children through the National Assessment of Educational Attainment and require a joint National Institutes of Health-Department of Education study on the issue, is highly relevant to improving the educational performance of our children. It is my intention to keep this provision in the final version of the education reform package when it comes out of conference with the House of Representatives.

Mr. KOHL. Mr. President, I just want to add that there have been no objections from our side of the aisle to including the Brownback-Kohl amendment in the bill. I appreciate Senator JEFFORDS' cooperation with me, Senator KENNEDY, and Senator BROWNBACK to get this amendment included in the bill. I also appreciate his assurance that he will do everything he can to make sure our proposal is included in the final education reform bill.

Mr. BROWNBACK. Mr. President, I do not know of anybody who is opposing this amendment. I ask for its adoption. There may be other Members who would like to comment on this amendment. I believe it is possible we may be able to proceed to a voice vote on this amendment while we are still on the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is entirely appropriate that we study the impact of violence in the media on young people. The increasing incidence of violent behavior is alarming and we should carefully scrutinize the causes of that violence.

It will be very helpful to learn which types of imaging and broadcasting have causal links to violent behavior. A great deal of research has already been conducted in this area. For example, researchers at the Massachusetts Institute of Technology have studied the impact of violent images in movies, television and video games and have expressed caution against a presumption that there is an isolated cause and effect between violent images and violent action.

I also believe that access to guns is indisputably part of this critical problem. There is no one individual cause of this disturbing social pattern and we should avoid simplifying either this problem or our solution to it.

However, many young people spend a great deal of time watching television and movies and we should explore incentives to the industry to provide entertaining material that is nonviolent.

Industry leaders have expressed a willingness to incorporate improved warnings for parents to monitor the programming that their children do watch, and we should do all that we can to make these worthwhile tools accessible and understandable.

We should be ready also to acknowledge that the entertainment industry is not solely responsible for increasing violent behavior in our youngest citizens.

The Senate should also improve a broad range of opportunities for children to help them achieve to their fullest expectations and dreams. We can increase funding for Early Start and Head Start. We can improve the learning experience of children once they enter school, including reducing class size and teacher quality.

I have sponsored—and I have worked very closely with the Senator from Mississippi, Mr. COCHRAN—on our Ready to Learn legislation to ensure that time spent watching television by young preschool children will be entertaining and educational. With a modest $15 million Federal appropriation, public broadcasting has created effective educational programming that develops skills necessary for success when a child enters a classroom for the first time.

Accompanying material is provided for parents, caregivers and other family members to encourage reading in the child's home environment. We should be tripling funding for this program, but instead, this bill seeks to eliminate it.

The number of awards that those programs for children have been nominated for has been truly amazing. There have been over 40 Emmys for all the ready-to-learn programs. ''Between the Lions'' has really been an extraordinary success. It and its Web site have won several awards. The series won the Parents' Choice Gold Award for best show for kids aged 4 to 7. It was recently named the Best Children's Show in the country by the Television Critics Association. It has just been nominated for several Academy Awards. And the Web site won two awards in the fall of 2000: Best Children's Entertainment Site from the Massachusetts Interactive Media Council and Best Kids Web Entertainment from NewsMedia.com's Invision Awards.

We welcome the Senator's amendment and think it is an entirely appropriate one. We also recognize there are important additional matters to which we should give focus.

I support a serious examination of the impact that violence in the media

has on young children. I am, as well, hopeful we can also improve the educational components of our media.

As I know the Senator is aware, we attempted, for a number of years, to make that as a condition for the relicensing. What happened, of course, is that it never worked because we would find that with the application the broadcasting industry would just label programs as children's programs, and they never really carried forward the effect of that.

We have been remarkably unsuccessful in monitoring and affecting the kind of violence there is on television. But when we provided a very limited amount of incentives for the development of children's programs, and worked those through public broadcasting, we have had some amazing success.

I look forward to working with the Senator in terms of getting this study, this review, and also working with him to try to see what can be developed to attract families, and particularly parents with their children, to watch the programs on television that can be useful, positive, constructive, and, hopefully, educational and helpful to the children as well.

I urge acceptance of the Senator's amendment.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I do not believe there is any objection to the amendment.

I yield to the Senator on his amendment.

Mr. BROWNBACK. Mr. President, I believe we are ready to proceed to a voice vote on the amendment. Unless the Senator from North Carolina would care to address the amendment, I think it would be appropriate for us to proceed to a voice vote. I call for a voice vote at this time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 413.

The amendment (No. 413) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 462 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The Senator from North Carolina.

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

The PRESIDING OFFICER. The Voinovich amendment No. 443 is the pending business.

Mr. EDWARDS. I ask unanimous consent to lay that amendment aside, and I call up amendment No. 462.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS] proposes an amendment numbered 462 to amendment No. 358.

Mr. EDWARDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for an independent analysis to measure school district achievement)

On page 679, after line 25, add the following:

''(6) support for arrangements that provide for independent analysis to measure and report on school district achievement.''.

Mr. EDWARDS. Mr. President, my amendment is very simple and straightforward. It deals with the issue of testing.

Much of our education bill we have been discussing for the last several days and much of the administration's proposal is modeled after what has been done in North Carolina. In North Carolina, we have had in place for a number of years a very vigorous measurement and testing regime. In fact, we already have annual testing in reading and math in grades 3 through 8, which is precisely what is being proposed by the administration and is incorporated into this bill.

This testing process has played a very important role in allowing us to measure student performance in North Carolina and also to identify low-performing schools so we can make an intense effort to turn those schools around.

What I have learned from visiting our schools and talking with students and teachers is that testing in and of itself is not an end. It is a means. From talking to students and teachers and at town hall meetings talking to parents about this testing procedure that has been used in North Carolina, I have learned that there is a great deal of concern that students are spending too much time preparing for tests and teachers are spending too much time in the classroom teaching to the test.

It has gotten to the point where some students and some teachers believe the tests dominate the classroom. And because of the way the tests are given and administered and the kinds of tests that are given, it can sometimes be counterproductive to the learning process.

What we are doing in this amendment is providing that States can go to private outside firms to evaluate the testing in a particular school district to determine whether it is working, how effective it is, and also to make comparisons with the testing being used in that school district as compared to the testing being used in another school district someplace else in the country.

The basic theory is these private outside firms can identify school districts where the testing is working, where it is effective, where it has as little impact as possible on the learning process inside the classroom so the teachers, the students, and the parents feel the testing process is working. It allows them to measure but, at the same time, it doesn't interfere with the substantive learning process of the students, for the students and the teacher.

The basic idea is the State is allowed to contract with these outside firms which can evaluate the testing programs and compare them with testing programs in other places across the country.

The amendment does not authorize any new money. It simply allows States to conduct this type of analysis. The purpose of this amendment and its thrust is to focus on the issue of testing, allow States to identify testing methods and procedures that are, in fact, working. It is a specific effort to address a concern I have heard expressed over and over from students, from teachers, and from parents; that is, to have a testing system and a measurement system that provides us with the information we need but at the same time does as little as possible to interfere with the teaching process and with the learning process.

I thank my colleagues for their support and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from North Carolina has given additional focus on a very key element in this legislation; that is, the information made available to parents. His amendment will add an additional dimension in terms of the possible accuracy and types of information so it can be easily understood and utilized by parents and so they can understand what is happening in the schools their children are attending.

In the existing legislation, there is the requirement that the States will provide information to the parents. What the amendment of the Senator from North Carolina does is provide the ability for the States themselves to get, through this contracting arrangement, the up-to-date, most advanced, most recent, comprehensive information that can possibly be developed. It gives that option to the State to provide it to the parents. It is incredibly important.

This is one of the underlying concepts of the legislation; that is, that the parents become involved. We want them to be involved, and there are ample provisions in the legislation to have them involved. We want to get the parents involved. Part of a very powerful tool to get them involved is giving them information about what is happening in the school and what the condition of the school is.

We have provided in the legislation a range of different information that will be available in the report card. The Senator from North Carolina, with this additional amendment, can give the assurance that if the State wants to work through a contracting arrangement, the information may very well be much more available and usable and current for the parent. That is very important

and completely consistent with the direction of the legislation and very desirable to have.

I thank him for this idea, as well as bringing to the basic legislation the experience that has taken place in turning around low-performing schools in North Carolina, and the way it has changed through the development of some enormously interesting and very successful models that will be available in this legislation to communities all over this country is really a major strengthening of and improvement in the legislation itself. That is one of the things that makes this legislation so hopeful.

If we are able to get the resources to be able to give all these provisions some life and meaning, we are going to be in an even stronger position. As the Senator from North Carolina and others have pointed out, we have a blueprint here which is both supportable and commendable and can make a difference, but we need the resources to make sure these provisions are going to do what, in this instance, parents need and should have and also what schoolchildren should have in the provisions which have been included in the bill that are patterned after the very important, successful initiatives in North Carolina.

I thank the Senator for his initiative. I hope we will accept it.

Mr. JEFFORDS. Mr. President, I want to join in the accolades for the Senator's amendment. What we are doing in this bill is not something that is easily understood when you try to analyze the facts. But it is incredibly important that parents understand how their child is doing.

The amendment that we have here will be very helpful in letting us understand what is an incredibly important move forward in making sure that we get changes and improvements in the system, but it does it in a way that we can fully understand how each child is doing. I thank the Senator for his excellent amendment.

Mr. EDWARDS. I thank the Senator. I ask for a voice vote at this time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 462) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

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

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

Mr. DAYTON. Mr. President, I ask unanimous consent that it be set aside.

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

AMENDMENT NO. 622, AS MODIFIED, TO AMENDMENT NO. 358

Mr. DAYTON. Mr. President, I call up amendment No. 622, and I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, Mr. CORZINE, and Mr. WELLSTONE, proposes an amendment numbered 622, as modified.

Mr. JEFFORDS. Mr. President, I may have to object. We haven't seen a copy of it yet.

Mr. KENNEDY. Parliamentary inquiry. The Senator is permitted to modify his amendment. We haven't asked for the yeas and nays.

Mr. DAYTON. I will make it a second degree.

The PRESIDING OFFICER. There was a filing deadline for first-degree amendments. That does constitute Senate action which would then require that the Senator does need consent to modify.

Mr. JEFFORDS. 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, we have no objection to the amendment, as modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 622), as modified, is as follows:

(Purpose: To amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act)

At the appropriate place, add the following:

SEC. ____. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Notwithstanding any other amendment made by this Act to section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)), subsection (j) of such Act is amended to read as follows:

''(j) FUNDING.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated—

''(1) $12,347,001,000 for fiscal year 2002;

''(2) not more than $18,370,317,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2003;

''(3) not more than $19,048,787,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2004;

''(4) not more than $19,719,918,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2005;

''(5) not more than $20,393,202,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2006;

''(6) not more than $21,067,600,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2007;

''(7) not more than $21,742,019,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2008;

''(8) not more than $22,423,068,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2009;

''(9) not more than $23,095,622,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2010; and

''(10) not more than $23,751,456,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2011.''.

SEC. . MAINTAINING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 611 of the Individuals with Disabilities Education Act is amended to add the following new subsection:

''(k) CONTINUATION OF AUTHORIZATION.—For fiscal year 2012 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary for purpose of carrying out this part, other than section 619.''.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I am pleased to offer this amendment, which is also sponsored by Senators CORZINE and WELLSTONE.

This amendment would bring the Federal share of funding for special education up to its long-promised 40 percent level in 2 years.

I greatly admire the efforts of my senior colleagues, the authors of this legislation, who have negotiated the previous agreement which is now contained in the legislation. I applaud their efforts and I support their work.

However, I would like to see their timetable for funding 40 percent of the costs of special education accelerated. That is the promise I made to Minnesota educators, parents, and students.

The failure of the Federal Government to pay for 40 percent of the cost of special education is a broken promise which now extends for 25 years. This unfunded Federal mandate is having devastating consequences for schools all across Minnesota.

Federal law requires these important services to students with disabilities and special needs, but it does not provide the funds necessary for them. There is no question that school districts must provide them and should provide them. But without the necessary and long-promised funding from the Federal Government, Minnesota school districts must take money away from other students and from other education programs. In Minnesota, that means local property taxes must be increased to make up the shortfall. Yet even then there is still not enough money available to do justice to all students.

Then schools are blamed, teachers are blamed, and even students are blamed. Yet the failure is ours. The failure is our unwillingness to provide the funding necessary to allow schools to succeed, teachers to succeed, and students to succeed.

Without my amendment, we are saying: Yes, we recognize our responsibility. We intend to finally keep our

promise, but we need 6 more years to do so. That is too much procrastination.

The recently passed budget resolution said that Congress can afford huge tax cuts for the very wealthiest Americans. However, we cannot afford to keep our promises to the schoolchildren of America, especially those who have the greatest needs.

That is just plain wrong.

It is time to put our money where our mouths are. We can no longer hide behind the claim that we don't have the funds to do what is right. We have the money. The question is, Do we have the will to spend some of it on behalf of better education for all of America's children? That is the decision we must make today on this amendment.

My amendment would increase education funding by $12 billion in fiscal year 2002 and by $18 billion in fiscal year 2003. That is a lot of money, no doubt about it. But it is less than one-fifth the cost of the proposed tax cuts for 2002, and less than one-third of the tax cuts proposed for 2003. We could still have major tax reduction for middle-income working Americans, and even for upper income Americans, and still keep our promise to fund 40 percent of America's special education costs.

That is the decision before us today. That is the question which my amendment addresses.

On behalf of Minnesota's schoolchildren and educators, I urge the Senate to adopt this amendment. Its benefits will accrue to every classroom, in every school, in every school district throughout America. It will help take the President's words: ''leave no child behind'' and make them a living reality for millions of schoolchildren throughout our country.

I am reminded of the title of the old television show, ''Truth or Consequences.'' Either we tell the truth or we face the consequences. The truth is that we are not meeting our financial commitment to public education throughout America. The truth is that the Federal Government has mandated important special services to children with special needs for the last 25 years but has not provided its promised funding necessary to fulfill this pledge.

The consequences of our failures are children throughout America who are not receiving the special education they need and deserve. The consequences are lost hopes, lost dreams, and lost lives.

It is time to tell the truth. This amendment will restore the truth to a 25-year unfunded mandate.

Mr. President, I urge the Senate's passage of this amendment.

I yield back my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that my amendment be set aside.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I rise to speak for and offer my strong support to my colleague from Minnesota, Senator DAYTON. My understanding is I am an original cosponsor, along with Senator CORZINE. I will not take much time. There are other colleagues who are on the floor.

This amendment fully funds the IDEA program within 2 years, and the spending will be mandatory. Because of the special rules regarding mandatory spending, my understanding is this amendment will require 60 votes for it to be adopted.

To give some sense of the impact IDEA full funding will have on some school districts in Minnesota, Minneapolis will receive around $16 million; St. Paul, $15 million; Duluth will receive around $4.5 million; Blue Earth area public schools will receive around $550,000; Deer River will receive $419,000; and Walnut Grove will receive $54,000.

For those who do not know each of these towns, they probably know Minneapolis and St. Paul. I am also giving some greater Minnesota examples so no one will labor under the misunderstanding that this amendment only applies to urban or metropolitan areas. It is terribly important to rural areas as well.

We have had some other important amendments dealing with IDEA, and, in particular, there was the Harkin-Hagel amendment which passed last week. That was to fully fund IDEA and also to make it mandatory. That was to provide full funding over a 6-year period.

I commend the Senator from Iowa and the Senator from Nebraska for their work. I also want to say this about the Senator from Iowa. I do not think there is another Senator—one has to be careful when one says this because one doesn't want to slight anyone, but I do not believe there has been anybody in the Senate who has been, if you will, more there for children and adults with disabilities than Senator HARKIN. The IDEA program in some ways is TOM HARKIN's idea. This is who he is.

The amendment that was adopted is terribly important, and Senator HAGEL's support was critical as well. We also have done some other work on this education bill that is critically important.

The real importance of this amendment and what Senator DAYTON is saying and the reason this is a joint effort by both Senators from Minnesota—I worry a lot about what we are doing on this education bill. I worry about what we are doing for a couple of different reasons. I will try to make a couple quick points, I say to the Senator from Missouri and also to my friend from Arkansas.

I have not even had a chance to read this article yet today, but I was skim reading a piece where I saw—and this is really important—a reference to a letter or a statement that has been put out by Dr. Robert Coles and Dr. Albert Poussant who are two child psychologists or, in the case of Coles, a psychiatrist, and maybe Dr. Poussant is a psychiatrist as well. They have done the best work with children in the country. Robert Coles has written 46 books on children. I remember assigning one of his books to my students called ''Children in Crisis.''

I say to the Senator from Vermont, their letter is a plea to the Senate not to rush to these tests.

What they are saying is—these are now my words—you are taking the childhood away from children. They are finding 8-year-olds and 9-year-olds who are under tremendous stress and showing signs of being under tremendous stress because of all these tests they are now taking.

We have to think this through. Some of the amendments I have—and I hope to have as many of them adopted as possible, and I appreciate the support from other colleagues—are to make sure we do this the best possible way.

In my own mind, I raise the philosophical question again: Should the Federal Government be telling every school district in every State to test every child starting at age 8 all the way every year to age 13? I do not know whether we should even be doing this. Should we be doing this to these little children? I am not sure we should. That is a philosophical question, and I will now put it aside.

The second problem is whether the resources are going to be there. I want to again put my colleagues on notice, not in a confrontational way, but I want them to know there are a couple of amendments I have prepared that I look forward to offering which basically say: When we adopt these amendments that authorize money, that does not mean it will ever happen, so we have to make sure that if we are going to do this testing, not only do we do it the right way, but that the funding will be available, be it the IDEA program—

that is what is so important about Senator DAYTON's amendment—for children with special needs, be it title I for children who come from economically disadvantaged families so that there is more help for reading, more help for afterschool programs, more help for good teachers and teaching assistants, you name it—which will be another amendment which I, frankly, think is just as important, especially if we are going to start testing 8-year-olds, third graders. I will argue forever that far more important in determining how that child is going to do—maybe not at age 13, but at age 8—far more important than the teacher, although good teachers are always critically important, and far more important than reduced class size, far more important than whether the school is inviting and a good facility is whether or not that child came to kindergarten ready to learn. So the issue is, if we are going to start testing 8-year-olds, then we do that when we make the commitment to fully fund the Head Start Program, and that includes Early Head Start.

I am convinced, the more I think about this moving beyond Head Start, that we have to get to the point where, for 4-year-olds, if not 3-year-olds—and it could be optional—you need to pay teachers who do this work decent salaries. The Head Start Program is optional for families, but every family has that opportunity, and we fund it within our overall goal of public education. We really need to get real about it.

I think the context for Senator DAYTON's amendment is twofold. No. 1, for Minnesota, let me repeat these figures: Minneapolis, an additional $16 million; St. Paul, $15 million; Duluth, $4.5 million; Blue Earth Area Public School, $550,000; Deer River, $419,000; Walnut Grove, $54,000. It would be hugely important for us to make this commitment. That is why I join my colleague, Senator DAYTON, in this effort.

Final point: I really think the work that is being done for the IDEA program, that deals with children with special needs, is, as my good friend from Iowa likes to say, a constitutional mandate. We believe these children with special needs should have every right to be in school with other children and to get the best possible education.

But we are nowhere near our 40-percent funding to which we made a commitment. We are at about 14 percent. What Senator DAYTON is saying in this amendment is: Why 7 years? Why 10 years? If it is the right thing to do and we have this huge surplus now, then let's do the right thing over the next 2 years. The sooner we do it, the sooner we get the assistance to the local school districts, the sooner we get the assistance to the children, the sooner we get the assistance to our teachers, the sooner we get the assistance to our States. Therefore, if it is a great idea and a compelling idea and the right thing to do, it is the right thing to do now. Make it mandatory and fully fund it over a 2-year period of time.

I strongly support this amendment, and I hope my colleagues will vote for it.

I yield the floor.

AMENDMENT NO. 555

Mr. HUTCHINSON. I ask unanimous consent to set aside the pending business and call up amendment No. 555.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 555.

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

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

(The amendment is printed in the RECORD of May 9, 2001, under ''Amendments Submitted and Proposed.'')

AMENDMENT NO. 555, AS MODIFIED

Mr. HUTCHINSON. Mr. President, I ask that the modifications to amendment No. 555 that are at the desk be accepted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 555), as modified, is as follows:

(Purpose: To express the sense of the Senate regarding access to secondary schools for military recruiting purposes)

At the end of title IX, add the following:

''SEC. 902. SENSE OF THE SENATE REGARDING DEPARTMENT OF EDUCATION PROGRAM TO PROMOTE ACCESS OF ARMED FORCES RECRUITERS TO STUDENT DIRECTORY INFORMATION.

''(a) FINDINGS.—The Senate makes the following findings:

''(1) Service in the Armed Forces of the United States is voluntary.

''(2) Recruiting quality persons in the numbers necessary to maintain the strengths of the Armed Forces authorized by Congress is vital to the United States national defense.

''(3) Recruiting quality servicemembers is very challenging, and as a result, Armed Forces recruiters must devote extraordinary time and effort to their work in order to fill monthly requirements for immediate accessions.

''(4) In meeting goals for recruiting high quality men and women, each of the Armed Forces faces intense competition from the other Armed Forces, from the private sector, and from institutions offering postsecondary education.

''(5) Despite a variety of innovative approaches taken by recruiters, and the extensive benefits that are available to those who join the Armed Forces, it is becoming increasingly difficult for the Armed Forces to meet recruiting goals.

''(6) A number of high schools have denied recruiters access to students or to student directory information.

''(7) In 1999, the Army was denied access to students or student directory information on 4,515 occasions, the Navy was denied access to students or student directory information on 4,364 occasions, the Marine Corps was denied access to students or student directory information on 4,884 occasions, and the Air Force was denied access to students or student directory information on 5,465 occasions.

''(8) As of the beginning of 2000, nearly 25 percent of all high schools in the United States did not release student directory information requested by Armed Forces recruiters.

''(9) In testimony presented to the Committee on Armed Services of the Senate, recruiters stated that the single biggest obstacle to carrying out the recruiting mission was denial of access to student directory information, as the student directory is the basic tool of the recruiter.

''(10) Denying recruiters direct access to students and to student directory information unfairly hurts the youth of the United States, as it prevents students from receiving important information on the education and training benefits offered by the Armed Forces and impairs students' decisionmaking on careers by limiting the information on the options available to them.

''(11) Denying recruiters direct access to students and to student directory information undermines United States national defense by making it more difficult to recruit high quality young Americans in numbers sufficient to maintain the readiness of the Armed Forces and to provide for the national defense.

''(12) Section 503 of title 10, United States Code, requires local educational agencies, as of July 1, 2002, to provide recruiters access to secondary schools on the same basis that those agencies provide access to representatives of colleges, universities, and private sector employers.

''(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Education, in consultation with the Secretary of Defense, should, not later than July 2, 2001, establish a year-long campaign to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces, and the access standard required under section 503 of title 10, United States Code.

Mr. HUTCHINSON. Since I became chairman of the Armed Services Personnel Subcommittee last year, the subcommittee has conducted two hearings on recruiting. This has been a real eye opener to me, to listen to these front-line military recruiters about the obstacles they face in doing a very important job for the U.S. military.

At both hearings, uniformed recruiters complained that denial of access to high school students or student directory information was the No. 1 obstacle they face in their efforts to recruit high-quality men and women needed to man today's military. It is a bigger problem than the health care of the military, a bigger problem than educational benefits, a bigger problem than image. Bigger than anything else was the problem of actually getting access to the students to be able to tell their story about the career opportunities they might have serving in the U.S. military.

I was stunned to discover that more than 4,000 high schools across the Nation, which routinely allow colleges, employers, and class ring companies access to students, are denying access to recruiters from one or more of our military services.

In 1999, the last year in which accurate figures are available, the Army was denied access by 4,515 schools; the Navy was denied access by 4,364 schools; the Marine Corps was denied

access by 4,884 schools; and the Air Force was denied access by 5,465 high schools in the United States.

This, I suggest, is a national disgrace. Our Armed Forces protect America's freedoms, and uniformed recruiters should not be denied access to almost a quarter of America's young people because, many times, of the arbitrary decision of a high school principal or a high school superintendent.

Denial of access undermines our national defense by making it even more difficult to recruit high-quality young Americans in numbers sufficient to maintain the readiness of our All-Volunteer Force.

Denying recruiters direct access to students and student directory information also unfairly hurts America's youth. It prevents students from receiving important information on the educational and training benefits offered by the Armed Forces and impairs students' decisionmaking by hiding the career opportunities available to them.

When I became aware, that our recruiters whom we ask to do one of the most difficult jobs in the military, to go out and recruit young men and women to go into our military at pay that is disparate from what they could get in the private sector, in an almost full-employment economy, we were asking them to do that with one hand tied behind their backs because they weren't given access to almost one-quarter of the students, I offered a provision in last year's defense authorization bill which would, effective July 1, 2001, require high schools to provide recruiters for the armed services both physical and directory access equal to that provided to colleges and prospective employers.

If the high school wants to have an across-the-board policy of no access to their students—no employers, no colleges—then certainly they could apply that to military recruiters. But if they are going to say class ring companies can come on, colleges and institutions of higher learning can come on to the campus and recruit, industries can come on and recruit for careers, then we said that military recruiters should have access on the same basis.

If such access is not granted, a recruiter must report the denial to his or her respective service. This report will trigger, then, a series of visits and written notifications by the Department of Defense personnel culminating in the Secretary of Defense contacting the relevant Governor and asking for help in restoring access to the offending high school.

Any school district in America would have the opportunity to opt out of the law if the local school board voted publicly to discriminate against recruiters from the Armed Forces. But no more simply shall a superintendent or a principal making a determination on their own for whatever reason, because of a bad experience or whatever they might have had, that might motivate them to prevent these recruiters from access. It would have to go to a public vote of the elected representatives, elected school board, before they could opt out of the law. Any high school that continued to discriminate against recruiters from the Armed Forces without the support of such a vote would open itself to lawsuits in Federal court.

We are rapidly approaching July 1, 2001, which will mark 1 year until the new law becomes effective. We have already heard from many recruiters that they are finding that high schools are not aware of the public law that changed Federal policy and the fact it is going to go into effect in just a little over a year. So as thousands of high schools, yet ignorant of the pending change in the law, continue to discriminate against uniformed recruiters, I think now is the time for a national wake-up call concerning this denial of access that continues to this day.

My amendment states that:

It is the sense of the Senate that the Secretary of Education, in consultation with the Secretary of Defense, should. . .establish a year-long campaign to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces and the access standard [that is required under this new law].

I think it is very important that recruiters as they go across this country have the support of the Congress in the sense that these principals, these superintendents, and school administrators are aware that we have changed the public policy. There will be a new law in effect.

There will be a new law in effect, and the only way they can deny that access is when they go before the elected school board members and have a public vote to that effect.

I hope my colleagues will unanimously support a very commonsense and patriotic amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HUTCHINSON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 374, WITHDRAWN

Mrs. CARNAHAN. Mr. President, I call for the regular order on amendment No. 274, and I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right.

Without objection, it is so ordered.

AMENDMENT NO. 448, AS MODIFIED

Mrs. CARNAHAN. Mr. President, I call up amendment No. 448, and I ask unanimous consent to send a modification to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mrs. CARNAHAN] proposes an amendment numbered 448, as modified.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the quality of education in our Nation's classrooms)

On page 319, line 4, insert ", including teaching specialists in core academic subjects" after "principals".

On page 326, line 1, insert ", including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers" after "performance".

On page 327, line 2, insert "as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students served by the local educational agency participating in the eligible partnership" after "qualified".

On page 517, line 18, strike "and".

On page 517, line 20, strike the period and insert "; and".

On page 517, between lines 20 and 21, insert the following:

"(I) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention.

On page 528, line 11, strike "and".

On page 528, line 14, strike the period and insert "; and".

On page 528, between lines 14 and 15, insert the following:

"(16) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention.

On page 539, line 10, strike "and".

On page 539, between lines 10 and 11, insert the following:

"(E) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention; and".

Mrs. CARNAHAN. Mr. President, the quality classrooms amendment provides flexibility for our schools. I am delighted that the Senate has recognized the need to provide our schools with more choices, not more mandates. The amendment allows for the hiring of teaching specialists, the development of alternative educational programs, and year-round school schedules. It will recognize, reward, and encourage promising reform efforts.

I thank the managers for their assistance with the quality classrooms amendment. I greatly appreciate the suggestions that Senator JEFFORDS and his staff have offered. I am also grateful to Senator KENNEDY and his staff for their assistance and for their hard work throughout the education debate. I am proud to be a part of this debate.

I am confident that our efforts in behalf of public education will bring greater opportunity to our Nation's children.

I understand that the managers have agreed to accept the amendment.

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

The amendment (No. 448), as modified, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is the Hutchinson amendment No. 555.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily so that I might call up an amendment.

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

Mr. BYRD. Mr. President, I thank the Chair.

AMENDMENT NO. 564 TO AMENDMENT NO. 358

(Purpose: To encourage States to require each expelled or suspended student to perform community service for the period of the expulsion or suspension)

Mr. BYRD. Mr. President, I call up amendment No. 564.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 564 to amendment No. 358.

(The text of the amendment is printed in the RECORD of May 9, 2001 under ''Amendments Submitted and Proposed.'')

AMENDMENT NO. 564, AS MODIFIED

Mr. BYRD. Mr. President, I send to the desk a modification to the amendment. Do I need to ask unanimous consent?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I do that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be waived.

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

The amendment (No. 564), as modified, is as follows:

On page 571, strike line 13, and insert the following:

ance with this section.

''Subpart 4—State Grants To Encourage Community Service by Expelled and Suspended Students

''SEC. 4141. AUTHORIZATION OF APPROPRIATIONS.

''In addition to amounts authorized to be appropriated under section 4004, there are authorized to be appropriated $50,000,000 for fiscal year 2002 for State grants to encourage States to carry out programs under which students expelled or suspended from schools in the States are required to perform community service.

''SEC. 4142. ALLOTMENTS.

''(a) IN GENERAL.—From the amount made available under section 4141, the Secretary shall allocate among the States—

''(1) one-half according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

''(2) one-half according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

''(b) MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this section.

''(c) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (a).

''(d) DEFINITION.—In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

Mr. BYRD. Mr. President, many young people in our schools today are suspended for bad behavior, somewhat unlike the days when I was in high school. They took care of the bad ones right there on the spot when I was there. But today a lot of them are suspended. A number of children in our schools are expelled for violent or dangerous behavior. And I am all for that. I am all for suspensions and expulsions where warranted, but what then? In today's home, all to often, both parents work. The suspended or expelled student may be left to his or her own devices. Many counties send expelled students to alternative schools, but alternative schools do not always follow the same procedure, the same schedule as regular public schools, again leaving children on their own for portions of the school day. And an idle mind is the devil's workshop.

An idle young person with no supervision is a child who can easily get into trouble. A violent young person expelled for serious breaches of behavior could even be a menace to the community at large. Some children actually misbehave in school, I am told, in the hopes of being suspended or expelled with the notion that they will be able to enjoy a brief respite from their school classes.

The amendment which I have offered and which has now been modified would encourage States to create a program that enrolls suspended and expelled youth in community service programs. You see, put them to work at something that encourages them to become builders, not wreckers, of buildings. The purpose of this amendment then is twofold.

First, it would occupy young people who have been suspended or expelled. It would put those idle hands to work. Instead of hanging around on street corners or roaming around the shopping malls, these youths would participate in community service activities that give them structure, that promote a work ethic, and send the message that being suspended from school is not a vacation.

Second, this program would give back to the community. Too often the young people of the ''me'' generation—the ''me'' generation—do not consider that we are a society, and that each member of that society has a responsibility to the other people in that society. By performing community service, these young people would be making a contribution to their neighbors which would give them a sense of doing for others, perhaps even opening their eyes to the problems of those around them.

My amendment would provide $50 million to allow States to coordinate and run a program which puts suspended and expelled students to work. Whether it is picking up litter, whacking weeds, painting fences, or mowing the grass, participating in public service activities will provide these young people with an alternative activity that helps to better their communities, and to better their lives.

Wordsworth wrote, ''Small service is true service while it lasts.'' I urge my colleagues to support my amendment which authorizes this amount of money and helps to point troubled students toward true service to their communities, their country, and help them to become good, productive citizens.

I yield the floor.

Mr. President, if I may be recognized again.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent that the distinguished Senator from Nevada, the Democratic whip, be made a cosponsor of the amendment.

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

Mr. BYRD. I am very happy to have a voice vote if Senators are so inclined.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as I understand it, we are ready to vote on the Byrd amendment.

The PRESIDING OFFICER. That is correct.

Mr. JEFFORDS. I ask for the vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 564, as modified.

The amendment (No. 564), as modified, was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Vermont who is the majority manager of the bill. He is very gracious to accept the amendment. I also thank Mr. KENNEDY who likewise was supportive of the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Arizona.

AMENDMENT NO. 477 TO AMENDMENT NO. 358

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending

amendment be laid aside to call up amendment No. 477, which was previously filed. I send it to the desk and ask for its immediate consideration.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 477 to amendment No. 358.

(Purpose: To express the sense of the Senate that S. 27, the Bipartisan Campaign Reform Act of 2001, as passed by the Senate on April 2d should be engrossed and transmitted to the House of Representatives without further delay)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TRANSMITTAL OF S. 27 TO HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—The Senate finds that—

(1) on April 2, 2001, the Senate of the United States passed S. 27, the Bipartisan Campaign Reform Act of 2001, by a vote of 59 to 41;

(2) it has been over 30 days since the Senate moved to third reading and final passage of S. 27;

(3) it was then in order for the bill to be engrossed and officially delivered to the House of Representatives of the United States;

(4) the precedents and traditions of the Senate dictate that bills passed by the Senate are routinely sent in a timely manner to the House of Representatives;

(5) the will of the majority of the Senate, having voted in favor of campaign finance reform is being unduly thwarted;

(6) the American people are taught that when a bill passes one body of Congress, it is routinely sent to the other body for consideration; and

(7) the delay in sending S. 27 to the House of Representatives appears to be an arbitrary action taken to deliberately thwart the will of the majority of the Senate.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of the Senate should properly engross and deliver S. 27 to the House of Representatives without any intervening delay.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is very simple. It instructs the Secretary of the Senate to properly engross and deliver S. 27, the campaign finance legislation that was passed 43 days ago by this Senate, to the House of Representatives without any intervening delay.

I am sure that few people in this body knew that the bill they voted for—or against, for that matter—was never sent to the other body. Why is this so? Unfortunately, I don't have an answer. I do know that it is not what we teach our children.

We give out a book here, a very interesting book, one that schoolchildren all over America, I hope, know. Some do, but I wish all of them did. In that book, on page 41, it says: When a bill originates in the Senate, this process is reversed.

When the Senate passes a bill that originated in the Senate, it is sent to the House for consideration.

There is another booklet, ''Our American Government,'' the 2000 edition. ''What are the stages of a bill in Congress?'' It goes through the various stages:

(6) Passage by the House after votes to confirm the amendments that were adopted in Committee of the Whole; (7) Transmittal to the Senate, by message; (8) Consideration and passage by the Senate—usually after referral to and reporting from a Senate committee—and after a debate and amendment on the Senate floor; (9) Transmission from the Senate back to the House, with or without Senate amendments to the bill.

Those are documents that indicate it is the normal procedure. I note that this is not business as usual. In fact, arbitrarily holding this bill in the Senate after being passed is not the usual practice. I will read from a chart prepared by my staff which shows that the normal expected practice is to send legislation to the other body in a much more timely fashion.

Thirteen bills originating in the Senate have passed the Senate during the 107th Congress. Of those bills, 11 were sent in an average of 5.18 days. The two remaining bills, S. 27, the Bipartisan Campaign Reform Act of 2001, and S. 143, Competitive Market Supervision Act of 2001, were passed on April 5, 2001, and March 22, 2001, respectively. Neither has been referred to the House of Representatives.

The holding of this bill is arbitrary and unfair. A sound majority of Senators has passed the campaign finance reform bill. This is not only bad for the Senate but bad for this great country.

The minority in this body has a great deal of rights. But the Senate also recognizes in its rule that once a majority reaches a certain threshold, it can prevail and move forward. What we are seeing here is a minority of one stopping the will of this body.

As I said, there is no good rationale for this action. The staff of this body, including the Secretary of the Senate, serve the entire Senate. I repeat: The Secretary of the Senate serves the entire Senate, not just one Senator. They are not tools of one individual. They serve all 100 duly elected Senators. These good people should be allowed to perform their duties with due process.

This amendment should not require much discussion or debate. It should be adopted and the Secretary of the Senate should immediately take the actions the resolutions direct. That is what is right, and that is what is fair.

I urge my colleagues, those who support campaign finance reform and those who do not, to join me in seeing that the will of the majority and basic fairness prevail.

I want to talk for a second about this practice being allowed to continue. I speak, I hope, for Members on both sides of the aisle. If the majority prevails in the Senate on a piece of legislation and that legislation is not sent over to the other body, then this could lead to a very, very, very unsound and unfair process that could deprive the majority of the Senate of their rights. A bill passed in the other body is sent over here for our consideration and placed on the calendar. Then it is up to the majority leader and/or the minority leader, depending on who has the votes, as to whether to consider that legislation.

The same thing is true of legislation that originates in the Senate. As I say, I could go back many years. It is roughly an average of 4 days between the passage of legislation through this body and its transmittal to the other body. We have now gone 43 days, and the majority leader of the Senate has stated publicly that he has no intention at any time of sending the legislation to the other body for their consideration.

One can speculate—and I will not—on the reasons why this legislation is not being transmitted to the other body as is our custom. I say to my colleagues in all seriousness, if this practice is condoned, watch out if you prevail and it is against the majority leader's wishes for that bill to be sent over to the other body. By not sending this and every piece of legislation passed by the Senate over to the other body, we may be beginning a very dangerous precedent.

I am very aware that this amendment is not relevant to the education bill, although obviously, as I mentioned, we educate our children in ways that we may have to at least amend in this book. I hope we don't have to. But I want to assure my colleagues, as soon as this bill is transmitted to the other body, I will be the first to stand up and ask unanimous consent to withdraw this from the legislation because I don't want to encumber the education bill with this issue. But when I see, after the long, hard struggle that I have been through, along now with a majority of the Senate, to achieve a legislative result and see that legislative result stymied at least temporarily in a procedural fashion, as far as I can see an unprecedented fashion, then I have to seek whatever vehicle I can to express what I hope is the majority will of the Senate.

I hope we can get this issue behind us. I strongly believe it has more importance than even the campaign finance reform bill itself, if this practice is allowed to become a precedent, what is being done with this legislation.

I might add, it was about 3 weeks ago that by accident I found out that it was not going to be sent over to the other body. I was not even notified that this legislation was not going to be sent over.

Once we did discover it, then I went to the majority leader. I asked on numerous occasions if he would send this bill over. The majority leader, yesterday morning, stated that under no circumstances would he do so.

I have no alternative than to move to get the sense of the Senate on this issue and then, if that doesn't succeed, then we will have to obviously use what other parliamentary options we have.

After a long and fair and, in many ways, illuminating and elevating debate on this issue and having a result achieved, and then to have it not even sent over to the other body, is a great disservice. I hope it will be rectified as soon as possible.

I ask for the yeas and nays at a time determined by the leaders.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am happy to join with the Senator from Arizona in offering this amendment. Actually, that is not true. I am not really happy we are offering the amendment; I am disappointed and puzzled. Because this amendment should be totally unnecessary. It is unnecessary because by instructing the enrolling clerk not to transmit S. 27 to the House, the majority leader is frustrating the will of the Senate and of the American people for no apparent reason.

I was pleased with the debate we had on campaign finance reform back in late March. Not only because we finally were able to have a real debate, vote on amendments, and ultimately pass a good bill, but also because I thought the Senate acquitted itself extremely well under difficult circumstances. Both sides played fair in that debate. The majority leader kept his word not to filibuster the bill.

The opponents fought hard but did not drag out the proceedings unnecessarily. I think we kept our word as well, even though there were amendments added that we did not necessarily approve of or like a great deal. We did not offer a cleanup amendment before the end of the debate to wipe out all the work of other Members of the Senate; we let the chips fall as the Senate wished. The result was a bill of which the Senate and the public could be proud.

As we know, the bill passed the Senate by a vote of 59–41 on April 2, 2001. There was a technical amendment right before final passage, and it could normally be expected with such a complex piece of legislation that it might take a few days for the bill to be engrossed and officially delivered to the House. That is the way the legislative process legitimately works. The House passes a bill, and it goes to the Senate; the Senate passes a bill, and it goes to the House. But it has been a month and a half.

The McCain-Feingold bill passed by the Senate still has not been sent over to the House. There is not a question at all that it is ready to go, but apparently an instruction was received by the enrolling clerk not to follow the standard procedure when the Senate passes a bill. That instruction clearly originated with the majority leader of this body.

This is actually an embarrassment to the Senate. I think it would also be an embarrassment to the majority leader. I thought we were beyond petty game playing in this body. These kinds of tactics discredit the institution, and they also completely undercut the good feeling many of us gained during that extraordinary 2 weeks of open debate. As a result, this action by the majority leader could be indicative of the lengths to which the opponents of reform will go to stop the bill even when they have lost in the Senate fair and square. Will they stop at nothing? Is there no legislative or parliamentary tactic too obscure to be invoked in the name of stopping reform, to be invoked in the name of protecting this big money system?

In the end, we will enact a reform bill for the American people in this Congress, and the President will sign it, no matter how the opponents complain or what tricks they try to stop it. I agree with the Senator from Arizona that we need to resolve this. The regular business needs to go forward, but that has to happen after this message is sent clearly by the Senate that it is long overdue for this bill to be sent over to the House.

I yield the floor.

Mr. KENNEDY. Mr. President, my good friend from Arizona and the Senator from Wisconsin have pointed out the focus on this legislation, and Senator MCCAIN indicated that once the papers go over to the House, they will ask to withdraw this amendment.

I must say, on a broader issue, I congratulate the Senators from Arizona and Wisconsin for bringing this to light on the Senate floor. I think all of us are very mindful in this institution that this is where these issues ought to be debated and discussed and also examined. When we do have that opportunity, as we saw during the debate on campaign financing—the fact that there are a lot of discussions in the back rooms and in the corridors and behind closed doors—when they finally get it into the openness of the floor of the Senate, you get a different reaction.

I daresay we will have a very encouraging reaction when we vote on this measure this afternoon, and we should have. I think it is very regrettable that we have the use of the Senate rules to deny a clear process in this legislative undertaking, where this legislation had passed and still there has not been the passing of the papers. We have seen other actions such as that in denying this body the opportunity to address key issues even currently. For example, on the increase in the minimum wage, we were denied the opportunity of getting a fair vote. Even though a majority of this body is committed to a Patients' Bill of Rights, we have seen this.

On this measure, which is of such importance to our good leaders here, Senator MCCAIN and Senator FEINGOLD, they deserve credit and support. I join in congratulating them.

Mr. MCCAIN. Mr. President, I ask the distinguished Senator from Massachusetts, have we determined a time yet as to when this vote will take place?

Mr. KENNEDY. I do not. As far as the floor managers are concerned, the earlier the better. I don't know about what the timing is on the other side. The leader on our side is familiar with it, and I hope we will do it at an early time.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 884 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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, we are awaiting Senators who desire to offer their amendments. I believe Senator BOXER will be here shortly, and also Senator HARKIN, perhaps just after that, depending on the desire of the other side.

While I have a moment and prior to the time they come, I want to review where we are on a very important aspect of this debate, and that is the funding for this legislation.

As I mentioned on a number of occasions, and I am going to continue to mention it, we cannot expect to educate our children on a tin cup budget. It cannot be done on the cheap. Money is not the answer to everything, but it is a very clear indication of a nation's priorities.

In this legislation, we are looking for investments in America's future. When we are talking about America's future, we are talking about America's children. We believe we have an effective blueprint that can make an important difference in the quality of education for children in this country.

As I have said on a number of occasions, it is not going to be this legislation in and of itself. It is going to be the cumulative efforts of parents, teachers, communities, principals, school administrators, and school boards all working together. It is also going to be the support we provide in the early learning programs that will

reach children of the 0-to-3 age. It is important we invest in these efforts. It is a biological fact that development of a child's brain reaches its maximum at the age of 5. All the development takes place prior to that time. It is enormously important the child have, up to that time, as many positive influences as possible.

We are going to battle the issues of funding for early intervention of children—the Early Start Program—the Head Start Program, which are only funded at about 40 percent, and the child care programs as well. We have had a good debate on funding IDEA, and we had a very powerful bipartisan vote in the Senate that put us clearly on record that we want to meet our responsibilities to the families and local communities by funding 40 percent of the education of the children.

I want to review where we are on the question of funding this legislation and what we understand will be the administration's position on funding the Elementary and Secondary Education Act. This includes not only title I but professional development programs, technology programs, the Safe and Drug Free Schools Act, afterschool programs, and related programs that are part of the whole Elementary and Secondary Education Act.

I pointed out at the time we had the last debate in the Senate last week what was going to be in the budget for this country, what was going to be available for funding. We have seen now that the Republican leadership, with the support of the administration, has effectively sucked up all of the available resources that can be used for education with the $1.25 trillion tax reduction.

As a result of that, as a result of the document that we had, when it came back from the conference, there was virtually no guarantee or assurance for funding for the years 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010. In fact, a careful reading of that legislation would mean there would actually be a reduction in the funding from current services during that period of time. That is a matter of enormous concern—and it should be—to the families of this country.

I expect the families in this Nation would say if we are going to have a tax cut, you ought to be able to get—as a matter of fact, I am stating what about 75 percent of the American families say. They say: If we are going to have a tax cut we are going to have a tax cut, but first let's fund education, investing in the children of this country.

What we have seen under the administration's program is they have reached a different conclusion. Under that proposal, as I pointed out when we had that debate, the measure was very clear and precise in the instructions to the Finance Committee about what they ought to come back with, within what period of time. Even though we passed that bill last week, as I understand it, we may very well be considering the budget tomorrow. Can you imagine that? We passed it last week. It will be out of the Finance Committee and we may be considering it tomorrow. We can see what happens when the majority, in this case the Republican majority, and in this case the President, want to get something done. They can get it done virtually overnight; over $1 trillion that will go into effect in terms of tax reductions for wealthy individuals. They can get it done overnight.

But what was included in this proposal? Over the period of the life of this legislation, the 10-years, up to $6 billion may be used for education. I think everybody understands there were very precise instructions on tax reduction, very precise instructions on defense, very precise instructions on agriculture, and virtually no instructions with regard to education. That is the fact. That is indisputable. Now we are going to see what the result of that will be.

I think it is instructive to look at what this increase would mean in terms of past years: proposed ESEA budget increases, Clinton versus Bush administration.

We heard the President wants this to be the first priority. As I say, if we compare apples to apples, oranges to oranges, grapefruits to grapefruits, Clinton to Bush, over recent years, in terms of elementary and secondary education budget increases, this chart indicates from 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and what the Clinton average was over that period.

The Clinton average over that period from 1994 to this last year was 8.67 percent. Under President Bush, it is 3.6 percent. There it is, the Clinton average—2001, 22 percent; 2000, 4.7 percent; 15.7 percent in 1999; 6.8 percent in 1998; 9.4 percent in 1997; 6.4 percent in 1996; 19 percent in 1995; 4.5 percent in 1994. Average: 8.67.

There is the 3.6 percent. We want to point out that is without the changes and without the reforms. We have done a lot of giving and taking. There has been chiding on both sides about whether the administration, the President, gave up too much, whether others gave up too much. That is what compromise is all about. This is not the bill I would have written and this is not the bill President Bush would have written, but it represents a legitimate compromise and I am satisfied. I believe the great majority of our Members are satisfied. If this bill had full funding, we would have virtually every vote on our side. We may not, if it is not funded, and that is what we are saying.

If we are talking about the future of this country and talking about the importance of investing in children, and we have seen the changes which have been brought back as a matter of additional accountability and how this legislation has been put together, the consolidations of various programming, holding schools accountable, holding the children accountable as well, the changes that have been made in holding schoolteachers accountable and strengthening the assurance we have well-qualified teachers, that we have a professional mentoring program, professional development over the years, none of that was out there. We had some accountability in the previous bill. We had some reconstitution, actually, of schools under the last elementary and secondary education bill.

But this goes further and is more comprehensive as a package, bringing together the funding of IDEA, bringing together the additional resources for professional development and the way they are structured, bringing together the outreach for good quality teachers, bringing together consolidation of the technology component, and with a strong emphasis that we are going to get curriculum reform, well-trained teachers, and a more thoughtful process in examining children to find out what they don't know. We do that so we can provide the supplementary services, reaching out to the communities in a much wider way than we have before to use the resources within the communities to help and assist children who might need that extra help with supplementary services in a very expansive way that we had not done before—and to recognize we are only reaching a third of the children.

How are we going to achieve what this legislation effectively states, and that is that we will bring every needy child in this country up to proficiency within 10 years, if we are only reaching a third of them now? It is going to be difficult enough—if we were reaching all of them—to try to help with the additional resources in bilingual education, for example. The number of children who need those services has virtually doubled in our school-age population.

As I mentioned on other occasions, but it bears repeating, the challenges that schools are dealing with are much more complex today. We have many more families divided so children are growing up in divided homes. We see what has happened in terms of violence in many of the homes, in inner cities as well as in rural communities, the problems with substance abuse and physical abuse. All that has taken place. Plus, we have seen an increasing number of children who are homeless—more than 800,000 homeless children, 800,000 migrant children, sweeping from California all the way to Washington in the west and from Florida to the State of Maine in the east. We have about 1.5 million children.

Then we have about 700,000 immigrant children who are going to be citizens of the United States who need help and assistance as they move along. They are going to be American citizens. They are on the way to being American citizens. We want to invest in those children.

These are the kinds of challenges we were not facing 20 years ago, for the

most part. So we have a more complex situation at the grassroots level. We have parents, teachers, and schools attempting to cope with this under extraordinary circumstances. They need help, they want help, and they are counting on us to help.

The way that we can do that is to make sure with this legislation and with the accountability that we are going to invest in children who need the help. That is for what we are fighting.

When you look at this chart, the comparison with what this administration is requesting, 3.6 percent this year versus the 8.6 percent average over the previous 8 years and understand that of that 3.6 percent, money is taken from other pots—that is not new money. Half of that is in job training. Two-hundred million dollars of that is from the National Science Foundation. Another couple hundred million dollars is from the EPA.

Look at this: $54.1 million from job training; $20 million from the early learning opportunities—that is the program that reaches the children in the 0-to-3 programs; pediatric graduate medical education to try to assure that we are going to have the best in terms of pediatric training for children. They have taken $30 million out of that; clean water State fund, $497 million. That is a vital resource in terms of many of the States, including my State of Massachusetts where you have so many of the communities under court order to clean up their water systems in what which are basically blue-collar, working-class communities.

They have high taxes as it is. They don't have the resources to be able to draw on a State fund. To help them is absolutely essential. We are cutting that program.

As to the renewable energy programs, we have the great debate and discussion about these energy programs. The administration takes out $156 million; NASA and National Science Foundation, $200 million; FEMA disaster relief, $270 million; and community policing, one of the most successful programs, they cut.

What we see is a difficult situation over the period of the next 5 years out I fear for the outyears, the fifth year to the tenth year, because we know what is going to be in this tax package which is going to be heavily weighted, or backloaded. That is the word which is used. As we all understand around here, the reason it is backloaded is because it conceals its purpose.

Make no mistake about it; if it was frontloaded, there would be a clear indication of the amounts we could evaluate for the first 5 years; that is, the Joint Tax Program, the Congressional Budget Office, and the OMB estimates the first 5 years—not the back 5 years.

As a result, we find the backloaded tax bill. That is going to mean that education resources will remain scarce—not just for the next decade covered by the budget resolution but for the next decade as well when the enrollments are expected to expand dramatically.

I think this is a clear indication if you look at the broader issue. You say, OK, that is ESEA, but maybe much more will be done in the other areas of education; that is, in the Pell grants or other kinds of help and assistance in higher education, such as the Department of Education, or maybe we are looking at research to find out what really works out there so we can help.

But we have the same story. This administration fails in the education budget in investments in education. If we look on the chart, the total increase for the title I program was $669 million, 3.5 percent, even though if you look through the book that has the budget figures, that is effectively where it comes out. There was a great hoopla about how it was going to be 11.9 percent. It is $669 million, and the appropriation for the year 2001 was $3.6 billion.

If you look at the total Department of Education, 6.5 percent appropriations last year; the total for the Department of Education is $2.5 billion.

This is not only elementary and secondary education, but it is in the higher education as well.

I know many of our colleagues have the opportunity to go back as I do and talk with people in our States. If I go back to Massachusetts and have a town meeting, I ask people in that hall, say you have $1 that represents the Federal budget. Let's think through about how that ought to be spent. You ask people for a show of hands. They want national security. They want defense. They understand the importance of national security. They want to make sure whatever is necessary is there, and that is something certainly that we ought to support.

While we are talking about national security, is there anyone in this body who doubts that within the next 3 or 4 weeks after we pass their tax cut on tomorrow, or the next few days, that within a 4-week period we will have the requests from the Department of Defense as a result of Secretary Rumsfeld's total Bottom-Up Review, and the best estimate is anywhere from $100 billion to $200 billion over the next 5 years. That is going to be on track. We are not hearing about it now. We are not talking about it. But does anybody really doubt that? Does anybody in the defense community really question that? Not that I have heard. We are just not going to be able to do this.

As I say, if you are in that room and asking people what they think, they say: Oh, yes. We need Social Security and we need to have Medicare. They understand that. Maybe some will say we will start talking about it.

What about education? What about prescription drugs? Where do they fit? Some will mention that we have to pay an interest on the debt. Then you ask them: What do you think we are spending on education? First of all, what do you think we should spend? After they begin to understand that it is maybe 5 cents in terms of the defense and maybe a little less than that on the interest on the debt, you get probably 2.4 or 2.5 in terms of the Medicare programs. You include Medicaid in there, and you have Social Security. That is figured in the budget. They see that going up.

But at the end of the day when you start talking about education, 80 percent of Senators will say that we ought to at the minimum spend 10 cents or 8 cents out of that dollar on education. Ninety percent will say certainly 5. Would you believe that it is less than 2? And under this administration, it will be less than 1 cent. Does that reflect the American families' priorities in terms of education?

We understand it is a local responsibility and a State responsibility, and the Federal participation has been focused primarily on the higher education. But I think most families would say we want a partnership with local, State, and Federal. We want a partnership because we recognize that we need the resources.

In many different communities where they have the greatest kind of pressure, particularly in the poorest of the poor, they do not have the resources to be able to sort of deal with this.

We made a decision in the early 1960s that we were going to reach out to try to provide resources and recognize as a matter of national commitment that we were going to deal with the neediest students in this country.

That is what this title I program is really all about. It provides resources for those communities—not a great deal of resources. We have had some successes and failures. But we are in a new day and period.

But the idea that we are providing a penny out of that dollar in terms of education, which is really another word for talking about our future—children are our future. Investing in our children is investing in our future. Is there anyone who doubts that if you have an eighth grade class and the children don't learn algebra that those children are not going to college? It is simple, plain, finished, conversation ended. You have to make sure you have people in there who are going to be able to teach them. That is going to take upgrading.

We don't expect to solve all the problems, but we have made a commitment at least in this bill that the teachers who are going to teach the children—better than 50 percent of the title I children who are going to be educated within 4 years—will be well qualified. We have made our commitment. We have to have the resources to be able to do it.

So this is about our future. This is about our priority. It is about the key element in terms of a nation and our fundamental values. Are they going to be in terms of the future, which is our

children, or are we going to be presented with a future tax reduction for the wealthy individuals in this country? I think that is how it is going to be.

Let me make it clear that I have every intention of offering amendments to let the American people understand how this body wants to vote in terms of a reduction in the top rates for the wealthiest individuals, or fund education.

This body will have a chance to make a judgment decision on that. Are we going to go from the 39.6 down to 36, and then further reductions in many other areas or are we going to fund our children's education in the future? What is in the national interest? What is in the interest of these children? Do we want this Nation to invest in our children or do we want to find out that we are going to provide additional benefits to people who have done very well in the last few years?

What we have seen in the most recent times has been this extraordinary kind of dichotomy where the wealthier have grown so much wealthier and the poor have grown so much poorer. I remember those charts. I do not have them here. But if you look at what has happened in terms of American income, broken into fifths, from the time of the war to 1972, you will find each group went up; they grew together. Virtually all of them grew together. Not now. You now find the bottom fifth is going down—yes, going down. The second fifth is going down just a little bit. And the top fifth has gone up through the ceiling. We have these enormous disparities. By failing to invest in the children, that is going to continue, as sure as we are standing here.

So we will have the chance to come back and visit this as soon as the Finance Committee reports out its bill. We will welcome the opportunity to have the Members of this body vote on these measures.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. JEFFORDS. I ask unanimous consent that at 5:30 tonight the Senate proceed to vote in relation to the McCain amendment No. 477. I further ask unanimous consent that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 525 TO AMENDMENT NO. 358

(Purpose: To provide grants for the renovation of schools)

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside, and I call up amendment No. 525.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KERRY, Mr. LEVIN, Mr. REID, Mr. BIDEN, Mr. CORZINE, and Mr. JOHNSON, proposes an amendment numbered 525 to amendment No. 358.

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

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

(The text of the amendment is printed in the RECORD of May 9, 2001, under ''Amendments Submitted and Proposed.'')

Mr. HARKIN. Mr. President, I know there is a unanimous consent agreement pending for a vote to occur at 5:30, so my statement on the amendment will be interrupted at 5:30—if I go on that long—for the vote at that time.

Mr. President, our children deserve the best when it comes to education—all children; not just a few but all. It is not right that some kids get the best in schooling and the best of teachers and the best of school buildings and other kids are put into rundown, dilapidated, old buildings that are not even safe as far as fire and safety codes go.

Children deserve modern school buildings with access to technology. They deserve small classes so they can get the teacher's attention when they need extra help. It is not just our kids who deserve this, it is the future of our country that deserves this, cries out for it, demands it.

As the old saying goes, a picture is worth a thousand words. This is a picture of a modern elementary school classroom. This is Cleveland Elementary in Elkhart, IN. If I am not mistaken, there are 17 or 18 kids in this well-lit, well-appointed, roomy classroom. That is what a modern school ought to look like. That is sort of what we think about as an elementary school in all of our minds. This is what we conjure up. We conjure up a nice, well-ordered classroom with a class small enough for the teacher to pay attention.

Or how about this? This is South Lawrence East School in Lawrence, MA. There are 12, maybe 13 kids here. This is the library and media center. Now how about that as the kind of an ideal library and media center for all of our elementary schools around the country?

I ask any parent: Wouldn't you like to have your child go to this school? Wouldn't that be wonderful, to think that your kid was in a school like this every day with the latest technology, all hooked up to the Internet? That would be nice.

I am afraid most schools look like this. That is not bad. That is not a dilapidated school. The average school building in the United States is 42 years old. This is where most of our kids go to elementary schools. They are over 50 years old. They have air-conditioners sticking out of the windows. This was added later because the schools were not air-conditioned in those days. Many of them have roofs that leak and are kind of rundown schools.

It is a national disgrace that the nicest places our children see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is the public school. What kind of a signal are we sending them about the value we place on them and their education and their future? How can we prepare kids for the 21st century in schools that don't even make the grade in the 20th century?

The American Society of Civil Engineers recently issued a report card for America's infrastructure. This is their report card. As we can see, the condition of our national infrastructure is poor. All of them are poor: energy, waterways, solid waste, wastewater, drinking water, airports, bridges, roads—all in pretty bad shape. This is the second time they put out this report. The lowest grade of all goes, once again to public schools.

Seventy-five percent of our Nation's school buildings are inadequate. The average cost of capital investments needed to upgrade and replace our schools is $3,800 per student. Since 1998, the total need has increased from $112 billion to $127 billion. That is just to bring the existing public schools, elementary and secondary schools we have in America, up to fire and safety code and to upgrade them in terms of the latest technology.

It does not refer to the amount of money we are going to need to build the new school buildings. That is going to require a lot more money in the future. Right now we have an all-time high of $53.2 million. This will grow. Over the next 10 years, it is going to be necessary to build an additional 6,000 schools. That number is not even reflected here. This $127 billion is needed now to repair and modernize existing schools.

I have been advocating this for about a decade now, starting back in 1991, that the Federal Government begin to meet some of its responsibilities. All one has to do is read Jonathan Kozol's book ''Savage Inequalities'' to understand why it is necessary for the Federal Government to be involved.

A little history may be in order. I always ask the question: Where does it say in the Constitution of the United

States that our public school system in America has to be based on property taxes? You will look in vain, and you won't find it anywhere in the Constitution. Why is that the basis of funding for our public schools?

The reason is, in the early days of the founding of our Republic, it was decided we would have free public education for everyone. At that time it was free public education for white males, but with the adoption of the Bill of Rights and with the ensuing concept that we are all one Nation, we broadened that to women and minorities and everyone else.

Really, we have ingrained this idea of free public education for all. But at that time we didn't have income taxes. We didn't have corporate taxes. We didn't have all these kinds of taxes. All we had were property taxes and excise taxes. So to fund the public schools, the only tax base they had to go to was the property taxes people paid. Thus the whole system sort of built up over the centuries that way.

It literally was not until 1865, under Republican President Abraham Lincoln, that the Federal Government got involved in public education. That was with the passage of the Morell Act that set up the land grant colleges of the United States. That was the first time the Federal Government really got involved at all in public education.

Then for about 100 years, the Federal Government was involved only on that level, through land grant colleges, through some research, and with the adoption of the GI bill after World War II, mostly focused at higher education from the Federal Government standpoint.

Then, with the passage of the Elementary and Secondary Education Act of 1965, the progeny of which we are now debating, the Federal Government got involved with trying to equalize a little bit the great disparities in education to meet the needs of lower income students, special needs students, and to help the States and local governments meet their constitutional requirement that if they did indeed provide a free public education, they couldn't discriminate.

Again, no State in this Union has to provide a free public education to the kids in the State. But if they do, if a State decides to provide a free public education, then the Constitution kicks in and says: You can't have a free public education for whites but not for African Americans, for men but not for women, for Catholics but not Jews, Protestants but not Catholics. It has to be free for everyone.

Of course, as my dear friend and colleague from Vermont knows, this was later expanded under a couple of court cases in the early 1970s to also say that you can't discriminate on the basis of disability. Kids with disabilities under our Constitution also must receive a free, appropriate public education.

Since 1965, the Federal Government has been providing support and funds for elementary and secondary education. Thus, that is the bill we are debating.

As we have looked at the concept of what the Federal Government ought to do in terms of helping elementary and secondary education, we have title I programs.

We had the Eisenhower math and science programs and a variety of different efforts where we have come in and targeted the funds to address a national need, whether it was a lack of science or math, under the Eisenhower math and science program, to try to help needy students who perhaps did not have any early childhood education or support, and title I programs, remedial math programs, to get these kids to catch up, get ready to learn. That is what these were all designed to do.

I forgot to mention one other aspect of our involvement in elementary and secondary education, and that was the free school lunch program, and later, the school breakfast program; both targeted not only nutritional needs but were to help kids learn better in school. I have been advocating for a long time—at least since I read Jonathan Kozol's book ''Savage Inequality''—that the Federal Government needs to be involved in helping to rebuild and modernize our public schools. Why? In many areas you have poor schools, and the property-tax payers are overburdened as it is. We need to help them build these schools. It is a national problem, not just local.

So I believe this is a proper role for the Federal Government. As I said, I have been advocating this for over a decade. In fiscal year 1995, I did secure $100 million in the appropriations bill as sort of a downpayment to get us started on this. I was disappointed when those funds were later rescinded. But, then, as the years went by, we made real progress, and last year we passed a $1.2 billion initiative to make emergency repairs to our schools. This was a bipartisan agreement, hammered out with Congressmen GOODLING, PORTER, and OBEY on the House side, and Senators JEFFORDS, SPECTER, myself, and the White House, who all got involved in that and we hammered out this agreement. That was passed last year. That money is now going out to the States.

In about 2 months, that $1.2 billion will be made available to the States on the basis of the incidence of poverty, basically following the title I program. So those States with a high incidence of poverty tend to get more of the money. This is a busy chart, but it shows you the distribution on July 1 for school renovation grants. It goes from California, with $138 million; New York gets $105 million; North Carolina gets $21 million; North Dakota gets $5 million; Ohio gets $37 million; Pennsylvania, also another big player in this, gets $44 million; Texas gets $94.9 million to help modernize and rebuild its schools; Louisiana gets $24.9 million; Vermont gets $5.4 million, about the same as Iowa, which gets $6.4 million. So this money is all contributed on the basis of the incidence of poverty as to the population in those States.

We can't solve the whole problem in one year. This will make a difference, but the bill before us eliminates this program at a critical time, just when it is getting off the ground, the first year. We will get the money out to the States; they will be able to use some of this to get up to fire and safety code in some schools and modernize some schools, and this bill will pull the rug out from underneath them.

We must continue this program to repair and renovate our Nation's public schools. That is why I am proposing this amendment on behalf of myself and Senators KERRY, LEVIN, REID of Nevada, BIDEN, CORZINE, JOHNSON, CANTWELL, TORRICELLI, BINGAMAN, CLINTON, and DODD. They are the cosponsors.

This amendment reauthorizes the school renovation program that we created last year and increases the authorization level from $1.2 billion to $1.6 billion. The amendment continues to split between school modernization and the needs of kids with disabilities under IDEA, which we negotiated in last year's bill. Seventy-five percent of the funds will finance urgent repairs, such as fixing a leaky roof, replacing faulty wiring, or making repairs to bring schools up to local safety and fire codes. That is 75 percent of the $1.6 billion. The remaining funding will support activities related to the Individuals with Disabilities Education Act, part B, or for technology activities related to school construction.

The need to help schools make these repairs is clear. The Healthy Schools Network has reported many problems around the Nation.

Several parents complain that their children were getting sick at a large city school near Albany, NY. The county inspected the school and found unsafe levels of lead and mold in the school. The school has not been able to correct the problem, citing a lack of funding for repairs. But the children continue to go to that school.

A child in North Carolina missed several days of school suffering from headaches and stomach aches. During summer break, the child's illness abated. But when school started and they came back, he got sick again. The child attends class in an old trailer that has poor ventilation and bad odor problems.

In Southern California, a teacher was forced to quit teaching after she suffered hearing and voice loss from, again, lack of proper ventilation and mold in her fourth grade classroom.

A Virginia parent said her son felt sick at school and was doing very poorly. An inspection of the classroom found nonfunctioning ventilators, water stains, mold in the ceiling tiles. Leaky roofs, peeling lead paint, poor plumbing, not meeting fire and safety codes aren't just an inconvenience, they are a hazard to our children.

In my State of Iowa, the State fire marshal reported that fires in Iowa schools have increased fivefold over the past several years, from an average of 20 per year in the previous decades to over 100 per year in just the last decade. I asked why that was. Well, the schools are getting older, the wiring is in disrepair, and thus the fires are started. What happens is they don't have proper wiring, and maybe they put more things in the classroom, and they expand the number of plugs going in the sockets, and they overload the circuits and fires start.

So there is a clear need to help school districts improve the condition of their schools to ensure the health and safety and education of our children.

States and local communities are struggling to renovate existing schools and build new ones to alleviate overcrowding. School construction modernization is necessary to equip classrooms for the 21st century and improve learning conditions, end overcrowding, and make smaller classes possible.

Our school buildings are wearing out. Nearly three-quarters of all public schools in America were built before 1970; 74 percent were built before 1970. In fact, almost 1 out of every 3 schools in America was built before World War II, in the last century.

According to the National Center for Education Statistics, when a school is between 20 and 30 years old, frequent replacement of equipment is necessary. When a school is between 30 and 40 years old, all of the original equipment should have been replaced, including the roof and the electrical system. After 40 years of age, a school building begins to deteriorate rapidly, and most schools are abandoned after 60 years. Yet before World War II, over 60 years ago—and 1 out of 3 schools functioning today were built over 60 years ago—the average school building was 42 years old, as I noted.

Technology is placing new demands on schools. As a result of the increased use of technology, many schools must install new wiring, new telephone wires, new electrical systems, and the demand for the Internet is at an all-time high. But in the Nation's poorest schools, only about a third have Internet access.

The need to modernize our Nation's public schools is clear, and yet the Federal Government lags in helping our local school districts address this critical problem. Because of increasing enrollments and aging buildings, local and State expenditures for school construction have increased dramatically—by 39 percent from 1990 to 1997. Let me repeat that. Local and State expenditures for school construction has gone up 39 percent from 1990 to 1997. However, this still has not been sufficient to address the need.

Those taxes come from property-tax payers which—not in every case but in most cases—is one of the most unfair, unsound ways of taxing to raise money for our public schools. Again, if you live in an area where there is high income and pay high property taxes, you have good schools. If you live in an area that is low income with low property taxes, you have poorer schools.

Is that any way to run the educational system of America based upon property taxes or where you live? If you are lucky and are born in suburban Northern Virginia, you have great public schools, but if you are born in southern Maryland or maybe even in the southern part of Iowa—I can speak about my own State—where we have low property values, a lack of a good property tax base, you simply do not have the good schools that you need.

This amendment will help school districts make the urgent repairs needed to make schools safer for our children, but we have to do more.

Some buildings have simply outlived their usefulness. As I mentioned, we have to build an additional 6,000 schools in the next decade. We are not even talking about that here.

In the near future, the Senate will act on a tax bill. I will be working with my colleagues, Senator KERRY and others, to provide school modernization tax credits to help underwrite the nearly $25 billion of new school facilities that are needed.

Mr. President, you might ask: Will this approach work? It will work. We have had an experiment going on in Iowa. We are in the third year of a school modernization demonstration project. Over the past 3 years, $28 million in Federal funds have gone to my State of Iowa to rebuild and modernize schools to bring our schools up to safety and fire codes, to make sure these schools are meeting the needs of the 21st century.

Twenty-eight million dollars have gone to Iowa, but it has leveraged $311 million in repair and new construction projects. For every dollar the Federal Government has invested in Iowa, it has leveraged over $10 of State spending to help repair our schools.

The Iowa construction grant program shows what can happen if we put this money out nationally. If we put this money out nationally, the $1.2 billion that we did last year, I guarantee it is going to leverage money all over this country to rebuild and modernize our schools. That is why with $1.2 billion, I would be shocked if we come in at less than $7 billion or $8 billion of additional money leveraged in the States to meet this requirement. That is what this amendment is all about.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it my understanding that we will be voting at 5:30 p.m.; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I congratulate and thank the Senator from Iowa for bringing up this amendment. We will have an opportunity to address this issue perhaps later this evening and tomorrow.

As we have worked on the Elementary and Secondary Education Act, there have been five major components. A well-trained teacher in every classroom is enormously important. Smaller class sizes for the early grades are enormously important. Afterschool supplementary services are enormously important. Having newer computers and technologies to avoid a digital divide are enormously important. But to have a schoolroom that is going to be safe and secure and free from the conditions which the Senator described is absolutely essential as well.

I thank him very much. I will have more to say about this when the time comes. We are going to be voting in a few moments.

Mr. KERRY. Mr. President, I would like to discuss the amendment that the Senator from Iowa and I, and others, have offered to deal with the oft-discussed issue of overcrowded and dilapidated schools.

As many of my colleagues know, for this is an issue that we have talked about before and even addressed in a bipartisan fashion last year, the need for school construction assistance is great. Three-quarters of the public schools are in need of repairs, renovation, or modernization. More than one-third of schools rely on portable classrooms, such as trailers, many of which lack heat or air conditioning. Twenty percent of public schools report unsafe conditions, such as failing fire alarms or electric problems.

At the same time the schools are getting older, the number of students is growing, up 9 percent since 1990. The Department of Education estimates that 2,400 new schools will be needed by 2003 and public elementary and secondary enrollment is expected to increase another million between 1999 and 2006, reaching an all-time high of 44.4 million and increasing demand on schools.

I have come to the floor on more than a few occasions and made clear my feeling that Democrats need to acknowledge that bricks and mortar alone are not the answer for our public schools; I think the reforms on accountability, local control, and tough standards that our party has embraced make clear that we have heard that message, but it does not for a minute dilute the fact that it's increasingly difficult to have meaningful reform in schools that are falling apart at the seams. Research does show that student and teacher achievement lags in shabby school buildings, those with no science labs, inadequate ventilation, and faulty heating systems. Older schools are also less likely to be connected to the Internet than recently built or renovated schools. Facilities are vital to implementation of research-based school reform efforts. We know, for example, that students learn more effectively in small classes, but school districts cannot create smaller classes or hire more teachers unless there is a place to put them.

Many schools are trying to offer more robust curricula, including music, physical education and classes in the arts, but their ability to provide these programs is hampered if there is no space to house them.

Almost every State in the Nation has implemented curriculum standards, calling for advanced work in science and technologies, but some schools are so old that their electrical wiring cannot support enough computers for the students and their science facilities are so antiquated that students cannot perform the experiments required to learn the State's curriculum.

Some school districts are looking to implement universal preschool—a service that we know enhances children's school preparedness and which a study published in last week's Journal of the American Medical Association confirmed makes children more likely to complete high school, less likely to need special education or grade retention services while in school, and more likely to avoid arrest as young adults—but the lack of available facilities is often prohibitive. If we are serious about encouraging research-based, meaningful, effective education reforms—and if we are serious about doing our part to help local districts run safe schools—a commensurate investment in school facilities is imperative.

I have listened to the debate today and have heard some of my colleagues on the other side of the aisle talk about the Federal Government overstepping its bounds into what is a State and local issue. I agree with their sentiment that the Federal Government should not go into local communities and decide what to build or decide what to repair. I also agree, to a certain extent, that the burden of building and renovating schools should be borne by localities.

But what we have seen very clearly over the past several years is that States and local school districts are investing in school construction, but they still need our help. Annual construction expenditures for elementary and secondary schools have been growing. But local and State budgets have not been able to keep up with demand for new schools and the repair of aging ones. Unless school leaders can persuade their wary voters to pass such bond referendums or raise local taxes, though, there's often little hope of change. Until the last few years, the plight of State and local leaders had not received much attention from Washington. Last year we came together to respond to their call by funding a $1.2 billion grant program and this year we should come together again and pass legislation that continues our commitment to help local districts with their repair and renovation needs.

The amendment that we are offering will provide $1.6 billion in grants to local education agencies to help them make urgently needed repairs and to pay for special education and construction expenses related to upgrading technology. And this amendment builds upon the bipartisan emergency school modernization initiative that passed into law as part of the fiscal year 2001 Labor-HHS-Education bill.

Under this amendment, States will distribute 75 percent of the funds on a competitive basis to local school districts to make emergency repairs such as fixing fire code violation, repairing the roof or installing new plumbing. The remaining 25 percent will be distributed by State competitively to local school districts to use for technology activities related to school renovation or for activities authorized under the Individuals with Disabilities Education Act.

I know that my friend from Iowa has seen this school modernization program work. Earlier he talked about the demonstration program in his State, which leveraged $10.33 for each federal dollar invested in the demonstration program. This amendment is a partnership between the Federal Government and districts and it does constitute a legitimate role of the Federal Government.

It is a tragedy that so many of our Nation's students attend schools in crumbling and unsafe facilities. According to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers found school facilities to be in worse condition than any other part of our Nation's infrastructure.

The problem is particularly acute in some high-poverty schools, where inadequate roofs, electrical systems, and plumbing place students and school employees at risk. Last month I visited the Westford Public School District in Massachusetts. School facilities were a big concern for this semi-rural town which has seen its student population sky rocket in recent years, but has not experienced comparable property tax revenues. In order to meet the fiscal demands of new school construction, the town is foregoing replacement of large, drafty windows from the early 1950s and is relying on pre-fab trailers to serve as an elementary school.

The Wilson Middle School in Natick, MA, was built for approximately 500 students and currently houses 625. The school has no technical infrastructure, it has no electrical wiring to allow the integration of computers in the classroom. The classrooms are 75 percent of the size of contemporary classrooms and were built with chairs and desks fixed to floor. Classrooms like these make it near-impossible for teachers to use modern-day teaching methods which rely heavily on student collaboration and interaction. The school also lacks science laboratories, making it impossible for students to do hands-on work and experiments.

Natick High School, like many aging school buildings around the Commonwealth, needs to have its basic infrastructure updated: electrical wiring, heating, plumbing and intercom systems are among the many components of the school in need of modernization. Also, the science labs are presently unable to meet the demands of updated State curricula. Natick put in place a prototype lab, and saw remarkable changes in students' interest and ability to experiment in science.

The urgent repair funding that passed the Congress last year provided $1.2 billion for repairs in high-need schools. In fiscal year 2001, this important program will help repair some 3,500 schools across the country and Massachusetts is slated to receive $19.5 million. But that will be the only money that my State receives unless we pass this important amendment and ensure that every student has a safe learning environment.

The ESEA bill that we have been debating for the past several weeks represents a true coming together of the parties. This body worked tirelessly to hammer out an agreement on the outstanding issues that have separated us in the past and which prevented us from completing work on this reauthorization during the last Congress. It is my sincere hope that we can come together again on the issue of school construction and pass legislation that addresses this nation's critical need for school repairs and renovation, and that we can do it as a part of a broader package of honest and tough reforms which focus, above all else, on the goal of empowering our schools to raise student achievement.

Mr. JOHNSON. Mr. President, I rise in support of Senator HARKIN's amendment to the Better Education for Students and Teachers (BEST) Act, S. 1, that would restore the critical school repair program. I commend Senator HARKIN for his leadership on this issue, and I thank Senators KENNEDY and JEFFORDS for the work that they have done on the overall elementary and secondary education reauthorization bill before us today.

I am pleased to be a cosponsor of this amendment. Communities across the country like many in my home State of South Dakota are struggling to address critical needs to build new schools and renovate existing ones. School construction and modernization are necessary to address urgent safety and facility needs, to accommodate rising student enrollments, to help reduce class sizes, and to make sure schools are accessible to all students and well-equipped for the 21st century.

In South Dakota, it has become increasingly difficult to pass school bond issues, given the fact that real estate taxes are already too high and our State's agricultural economy has been struggling. The result is an enormous backlog of school construction needs, and the costs of repair and replacement only increase with each passing year. A report by the General Accounting Office found that in my home State of South Dakota, 25 percent of schools

have inadequate plumbing, 21 percent of schools have roof problems, 29 percent have ventilation problems, and 21 percent of schools are not meeting safety codes.

Crumbling schools are not just an urban problem. They are a nationwide problem, and rural areas are no exception. In fact, 30 percent of schools in rural areas report at least one inadequate building feature. Nationwide, the statistics are similarly ominous.

The findings surrounding the condition of our Nation's schools is downright frightening. Fourteen million children attend classes in buildings that are unsafe or inadequate. Nearly three-quarters of our Nation's schools are over 30 years old with 74 percent of schools built before 1970.

According to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers found school facilities to be in worse condition than any other part of our Nation's infrastructure.

South Dakota's tribal schools also face very serious facilities problems and major construction backlogs. There are nine federally recognized tribes in South Dakota. At the same time, my State has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries.

With 56 percent of its people under the age of 24, the Native American population in this country is disproportionately young when compared the American population overall. This population strains existing school facilities. The BIA estimates that there is a construction backlog of $680 million in its 185 elementary, secondary and boarding schools serving Indian children on 63 reservations in 23 States.

However, after several years of debate on this issue, Congress made substantial progress last year on the fiscal year 2001 appropriations bill by including a bipartisan agreement to provide $1.2 billion for a new school urgent repair and renovation program. This important program will help repair some 3,500 schools across the country this year and assist schools with approximately $5.4 million in repair needs throughout the State of South Dakota.

Under this program, funds are allocated to the States based on title I and States are to make competitive grants to Local Education Agencies, LEAs. 75 percent of the funds are to be distributed to LEAs to make urgent repairs such as fixing a leaky roof, replacing faulty wiring or making repairs to bring schools up to local safety and fire codes. The remaining 25 percent of the funds are to be distributed to LEAs for activities related to Part B of IDEA or for technology activities related to school renovation. $75 million is reserved for school districts with more than 50 percent of their students residing on Indian lands.

Senator HARKIN's amendment reauthorizes this critically important program and increases the authorization to $1.6 billion, continuing the split between school modernization and IDEA negotiated in last year's bill.

It is no secret that crumbling schools are a problem of enormous magnitude. It is nearly impossible to measure the impact that these conditions have on students' ability to learn, but there is no doubt that the impact is severe.

The school repair program is a key component in a dual strategy to modernize our Nation's schools. Some schools have simply outlived their usefulness and need to be replaced. In addition, the record enrollment in our Nation's public schools have caused overcrowding that can only be remedied by building new schools. Estimates are that we will need to build 6,000 new schools by the year 2006 if we want to keep class sizes the same as they are presently. That is why we also need to pass legislation to provide school modernization bonds that will finance at least $25 billion in new construction through a Federal-State-local partnership. South Dakota has a great many school districts which are not completely impoverished, but yet find it almost impossible to pass a bond issue and otherwise adequately fund their education programs. I strongly believe that there is a legitimate federal role in helping fix our Nation's crumbling schools, and we can do so without undermining local control of education.

I applaud and support these efforts to invest a small portion of our Nation's wealth in improved educational opportunities and facilities for all—this investment now, will result in improved academic performance, better citizenship and a stronger economy for generations to come. I urge the Senate to pass Senator HARKIN's amendment and invest in the health and well-being of our Nation's school children.

AMENDMENT NO. 477

Mr. KENNEDY. Mr. President, I want to state for the record that I will vote in opposition to the McCain position. I expect it will be an up-or-down vote. If not, I will vote to table. He is entitled to an up-or-down vote. I want to explain my position.

I indicated to colleagues that on this legislation I was going to resist nongermane amendments. I do not think the majority leader has the right to a pocket veto. Although it is a position which I strongly support, we have to be consistent if we are going to take the position that we are not going to support nongermane amendments. We cannot pick and choose with which ones we agree and differ.

Even though I agree with this amendment, I indicated to colleagues that I would oppose nongermane amendments. Therefore, I feel compelled to oppose this amendment.

Should there be an expression of overwhelming support for this, then, obviously, I will at that time interpret my vote perhaps in a different way. I have every intention now to vote in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I follow my good friend from Massachusetts in explaining that I, too, certainly agree with Senator MCCAIN on the merits of his proposal and that we should send that very fine bill to the House, but I also made a commitment to oppose all nonrelevant amendments to the bill. Thus, I will vote against the McCain amendment, but I certainly support the advancement of campaign finance reform and was one of the principal sponsors and participants of that legislation of which I am very proud. I have made this commitment, and I will stick by it.

Mr. President, I yield the floor. We are almost at the point of voting.

The PRESIDING OFFICER. There is 1 minute remaining.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Under the previous order, the amendment under discussion is laid aside. The question is on agreeing to amendment No. 477. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—61

Allen	Dodd	McCain
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Fitzgerald	Reed
Byrd	Graham	Reid
Cantwell	Harkin	Rockefeller
Carnahan	Hollings	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inouye	Snowe
Cleland	Johnson	Specter
Clinton	Kerry	Stabenow
Cochran	Kyl	Thompson
Collins	Landrieu	Torricelli
Conrad	Leahy	Warner
Corzine	Levin	Wellstone
Daschle	Lieberman	Wyden
Dayton	Lincoln	
DeWine	Lugar	

NAYS—36

Allard	Campbell	Frist
Bennett	Craig	Gramm
Bond	Crapo	Grassley
Brownback	Domenici	Hagel
Bunning	Ensign	Hatch
Burns	Enzi	Helms

Hutchinson	Murkowski	Smith (NH)
Inhofe	Nickles	Smith (OR)
Jeffords	Roberts	Stevens
Kennedy	Santorum	Thomas
Lott	Sessions	Thurmond
McConnell	Shelby	Voinovich

NOT VOTING—3

Akaka	Gregg	Kohl

The amendment (No. 477) was agreed to.

Ms. CANTWELL. Mr. President, one reason I made campaign finance reform a centerpiece of my campaign and joined by colleagues Senators MCCAIN and FEINGOLD in working hard to pass campaign finance legislation, is because our current campaign finance system contributes to Americans' growing cynicism about government. And who can blame them for being cynical and believing that government really does not represent their interests, when procedural maneuvering causes a bipartisan bill passed by a wide majority to fail to be transmitted from the Senate to the House?

The McCain-Feingold bill passed this body with 59 votes. Similar legislation has twice passed the House with 252 votes. The majority of both bodies clearly support campaign finance reform, and so do a majority of the American people. Yet leaders in both Houses are apparently determined to use every tool at their disposal to force this broadly supported bill into a divisive conference committee composed of the most vocal opponents of reform.

The day we passed this bill in the Senate, I spoke on the floor about what an amazing feeling it was to have accomplished one of my primary legislative goals within 90 days of arriving in the Senate. While I never thought that day would be the end of the battle to pass this bill, I must admit that I certainly did not expect to be back on this floor because the bill, despite its comfortable margin of passage six weeks ago, continues to gather dust here in the Senate because the Republican leadership cannot reconcile itself to the most significant campaign finance reform in a quarter century. In an information age, we owe our citizens a government free of special interest influence. Not a system of expedient, special-interest based, decision making, and not a system that engages in byzantine maneuvering to delay and thwart the will of the majority.

I hope that the leadership of both the House and the Senate will stop attempting to devise new ways to stonewall this bill and allow the Senate-passed version of this legislation to be debated and voted on in the House without further delay.

Mr. LIEBERMAN. Mr. President, I rise today to note that due to the need to fulfill a long-scheduled speaking engagement at a university made in the expectation there would not be votes, I unfortunately was not able to be here in the Senate last night to vote on two amendments to the education bill, S. 1. I would like to say for the record that I would have voted for both amendments and am pleased that they both passed with broad bipartisan approval.

I support Senator REID's amendment, #460 to expand the 21st Century Community Learning Centers to include projects with emphasis on language and life skills programs for limited English proficient students. We know that assisting students to acquire English proficiency is becoming increasingly important as many of our communities are receiving immigrant children from many different countries. Limited English proficient students are at greatest risk for dropping out of school and are among some of our lowest performing subgroups of students. I have long been an advocate for investing increased Federal resources and greater attention on limited English proficient students. My own ESEA reauthorization bill, S. 303, calls for $1 billion in formula funds focused on increasing the English proficiency and raising the academic performance in all core subjects of our immigrant children. One of the primary risk factors for low academic performance and dropping out of school among immigrant students is their lack of English proficiency. Students that are proficient in English have a much greater chance to reach higher levels of academic achievement and fully participate in our society. The Reid amendment would help many immigrant children receive the extra help they need for English language acquisition through after-school programs. The Senate clearly recognized the value of this amendment by approving it 96 to 0.

I also support Senator CLELAND's amendment, #376 on school safety. It makes funds available to establish a center to offer emergency assistance to schools and local communities by providing information and best practices on how to respond to school safety crises, including counseling for victims, advice on how to enhance school safety and would operate a toll-free nationwide hotline for students to report criminal activity, threats of criminal activity and other high-risk behaviors. It also would provide grants to help communities develop community-wide safety programs involving students, parents, educators, and civic leaders. This amendment would further help to forge a crucial partnership between the Department of Education and the Attorney General so that these two departments may work together to ensure that our schools have the resources and tools they need to create safe learning environments for our nation's youth. In addition, the amendment would provide flexible funding, something that I have long fought for, to enable localities to design school safety programs that best meet their specific needs. For all of these reasons, I would have voted for the Cleland amendment and am pleased it passed by a strong vote of 74 to 23.

(The original statement of Senator FEINSTEIN which was delivered on Monday, May 14, but omitted is as follows:)

AMENDMENT NO. 443

Mrs. FEINSTEIN. Mr. President, I am pleased to co-sponsor this amendment with Senators VOINOVICH, BAUCUS, COCHRAN, LANDRIEU, MURRAY, and CORZINE.

Under current law, elementary and secondary teachers can receive up to $5,000 of their student loans forgiven in exchange for 5 years of teaching. Head Start teachers are not currently included in the federal loan forgiveness program. By offering Head Start teachers the same loan forgiveness benefit as that afforded to elementary and secondary school teachers, I believe, we will encourage more college graduates to enter the field.

Many Head Start programs in California are losing qualified teachers to local school districts in part because the pay is better—nationally, the average Head Start teacher made $20,700 in 2000 compared to $40,575 for an elementary and secondary school teacher. Head Start teachers are making half of what elementary and secondary teachers are paid on average.

Low pay, combined with mounting student loan debt, is a real deterrent to getting college graduates to become Head Start teachers.

Today, there are no educational requirements for a Head Start teacher other than a child development associate (CDA) credential, requiring 24 early child education credits and 16 general education credits. By 2003, 50 percent of Head Start teachers will be required to have at minimum an associate or 2-year degree.

Under this amendment, a Head Start teacher who has completed at minimum a bachelor's degree could receive up to $5,000 of their federal student loan forgiven provided they agree to teach for at least 5 years in a Head Start program.

Clearly, we should recruit qualified teachers to the Head Start field who have demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of the preschool curriculum with a particular focus on cognitive learning. Obtaining and maintaining teachers with such educational backgrounds will, I believe, improve the cognitive learning portion of the Head Start program so that our youngsters can start elementary school ready to learn.

Several recent studies confirm the importance of investing in the education and training of those who work with preschoolers.

The National Research Council has recommended that:

> . . . children in an early childhood education and care program should be assigned a teacher who has a bachelor's degree with specialized education related to early childhood. . . . Progress toward a high-quality teaching force will require substantial public and private support and incentive programs, including innovative education programs, scholarship and loan programs, and compensation commensurate with the expectations of college graduates.

Last year, the Head Start 2010 National Advisory Panel held fifteen national hearings and open forums. The panel found:

. . . that despite increases resulting from Federal quality set-aside funding, relatively low salaries and poor or non-existent benefits make it difficult to attract and retain qualified staff over the long term. . . . the quality of the program is tied directly to the quality of the staff.

Head Start is one of the most important federal programs because it has the potential to reach children early in their formative years when their cognitive skills are just developing. Many of our Nation's youngsters, however, enter elementary school without the basic skills necessary to succeed. Often these children lag behind their peers throughout their academic career.

I believe we must continue to improve the cognitive learning aspects of the Head Start program so that children leave the program able to count to ten, to recognize sizes and colors, and to recite the alphabet. To ensure cognitive learning, we must continue to raise the standards for Head Start teachers. Offering Head Start teachers similar compensation for their educational achievements and expenses afforded to other teachers is one step to encouraging college graduates to become Head Start teachers.

MORNING BUSINESS

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

Mr. REID. Reserving the right to object, Mr. President, it is my understanding, because there are people waiting to find out what the final decision is, that there will be no more votes tonight. That is my understanding; we are trying to finish.

Mr. JEFFORDS. That is my understanding.

Mr. REID. I also ask if there is going to be any more legislative business tonight.

Mr. JEFFORDS. Other than what is cleared between the two leaders, there will be no other business.

Mr. REID. I withdraw my objection.

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

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I understand we may speak as in morning business for a few minutes.

The PRESIDING OFFICER. Up to 10 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak for about 4 minutes.

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

ENERGY

Mr. MURKOWSKI. Mr. President, I rise on a small point, but it is representative of some of the difficulties we are having in trying to keep some focus on reality associated with the administration's anticipated energy package.

I am sure many Members saw the Washington Post today, Tuesday, May 15. On the front page there was a color picture of the Phillips Petroleum Company facility at Alpine which depicts very vividly the realization that technology indeed can make a very small footprint in the Arctic areas of Alaska, my State.

The picture represents a fair evaluation of this development. It was taken in the summertime, that brief 2½ months or so when the area is not covered with ice and snow. The viewer can see the river, the lakes. But to grasp the significance of it, one has to recognize that this is a major oil field in itself. Yet it takes less acreage than the District of Columbia.

That footprint is concentrated in the area that is known as Alpine. For the most part, one derrick has drilled the wells there. These are directional drills that go out for many miles recovering the oil. This particular facility is producing about 88,000 barrels a day.

However, there is another picture. This is the point I want to bring home to the Members. In an effort to try to draw a balance, if you will, between development and the wildlife in the area, the Washington Post portrays a picture of three little bears, and it is entitled ''A polar bear with her cubs rests in Alaska's Arctic National Wildlife Refuge.''

The reality is that this picture was not taken in the Arctic National Wildlife Refuge. It was taken in another area of Alaska far, far away.

It isn't that we don't have polar bears in Alaska. We are all concerned about the beauty and the majesty of this beast, but we have done a lot to encourage the polar bear by safeguarding it from any trophy hunting. In Alaska, you cannot take a polar bear for a trophy. You cannot take a polar bear if you are a non-Native, but you can go to Canada and you can go to Russia.

We have and will provide for the RECORD the statement from the photographer of exactly where this picture was taken. But it is not in ANWR, and the photographer is prepared to give a statement in that regard. Here again we have another mischaracterization, the implication that ANWR is filled with polar bears and that if we open up this fragile area, somehow we are going to disturb the polar bears. That is not accurate.

The Washington Post should know better. They should check their sources. They should recognize that polar bears for the most part live out on the ice. Why do they live on the ice? Because that is where there is something to eat. They live on the ice, and they stalk the seal. As a consequence, they don't come into the Arctic National Wildlife area in any abundance.

They do come in from time to time. But there is little food for them, and during the months where the ice is continually moving, they simply stay out on the ice where they can have the availability of food. It is noted that there are very few that den on the shores adjacent to ANWR. So, again, I encourage my colleagues to recognize, as I am sure many people who see in the Washington Post today those warm and cuddly polar bears, that they are being misled in this particular photo because this photo was not taken in ANWR.

I also encourage my colleagues to recognize that the administration is going to come out with an energy task force report. While I have not had briefings to amount to any significant detail, I think it is important for the American people, and my colleagues particularly, to know that it addresses positive corrections in the imbalance we have in America's energy crisis.

We do have a crisis. One need only look at California to recognize that Californians are going to be paying an extraordinarily increased amount for energy. Electricity is $60 billion to $70 billion. Last year, it was in the area of $28 billion. The year before, it was $9 billion. They have an energy crisis. We haven't built a new coal-fired plant in this country since 1995. Yet close to 51 percent of our energy comes from coal. We haven't built a new nuclear plant in this country for more than 10 years. Yet we know the value of nuclear from the standpoint of what it does to air quality. There are no emissions. There are other tradeoffs.

We also know we are now 56- to 57-percent dependent on imported oil, and the forecasts are that the world will be increasing its consumption of oil for one reason—for transportation—by nearly a third in the next 10 years or so.

We have seen natural gas and our increasing dependence on natural gas because it is one of the few areas where you can get a permit to put in facilities. Yet natural gas prices have increased dramatically from $2.16 per thousand cubic feet 18 months ago to $4, $5, $6, $7 to $8. We have had a coming together and that coming together also involves distribution. We have had the realization in the hearing that we had today before the Energy Committee, which I chair, that there are severe constrictions on transmitting electric energy.

In our bill that we introduced, we left out eminent domain for electric transmission lines purposely because we felt the States could meet that obligation as they saw fit. Now some suggest that States don't have the commitment internally to reach a decision and are going to need Federal eminent domain. Maybe that is the case. It is like the perfect storm; everything is coming together at once. No new coal, no nuclear, dependence on imported oil, higher costs for natural gas, no relief on transmission. Now they are saying we have to do something about it immediately.

Well, what do you do about it? This didn't come overnight. We have seen the realities with regard to higher prices of gasoline. Yet we know we don't have the refining capacity. We haven't built a new refinery in 25 years in this country. We have our refineries up to maximum production. They were busy making heating oil. Now they are trying to build up inventories for gasoline. So you not only have a shortage of refined capacity but you are dependent primarily on foreign countries—OPEC, for the most part—for our crude oil. We suddenly find we have an inability to refine an adequate amount. So with inventories low, the maximum utilization out of refineries is converting over—and they have been for some time—to gasoline; and then the complications of 15 different types of reformulated gasoline in this country that require almost a boutique type of activity in the refiners, where they have to refine it to specific fuel specifications for the area—they have to separate it, batch it, transport it separately. Additives, whether ethanol or MTBE, complicate the process.

Is it necessary that we have that kind of a mandate? Clearly, the industry says they can meet the air quality requirements and the Clean Air Act if you will give them some flexibility. Well, we haven't given them the flexibility.

The public wants relief, and I think it is unfair to characterize the new administration with having the sole responsibility to come up with so-called immediate relief. Nobody is a magician around here, and it would take a magician to provide immediate relief for the crisis we have gotten into. But what we have to do is focus realistically, and I think that is the value of what we are going to see out of President Bush's and Vice President CHENEY's new energy task force—relief—which will be coming out Thursday.

We are not going to see generalities that say you can simply get there from here by conservation. Conservation is important, but conservation isn't going to do it alone. Make no mistake; Americans are used to a standard of living that has been brought about by plentiful supplies of relatively inexpensive energy. If we want to sacrifice our standard of living, that can be done. But I wonder how many people in California are ready to go out and turn in their old refrigerators, their old washers and dryers, when they are not worn out, for a new energy-saving appliance that will cut their energy bills in half. I don't know. Maybe we can mandate CAFE savings. We have a mandatory 27-mile CAFE standard currently in the automobile industry. People say, well, that doesn't include the vans, the suburban vehicles, the type that are so popular today, the SUVs and others. That is true. They are classified in the truck classification as light trucks, but the reality is that you can't get there on CAFE, either.

We have 207 million vehicles in this country. About 170 million are automobiles and the rest are trucks and cars. It is going to take you 10 years to make a significant dent in that number of vehicles because a lot of them aren't paid for. So you are not going to discard them.

If you mandate substantially increased CAFE standards, then people have to buy new cars; they have to buy new ones. CAFE standards are important, but you can't achieve the kinds of savings we need by CAFE standards. You can give tax credits for people who save energy. I think you will probably see an amendment or two on that to give them a $250, $300 tax credit.

The point is that we are far behind, and what the administration is going to propose is some positive steps as to how we can address the energy crisis. It is going to take the conventional sources of energy that we know and have had experience with and the addition of the clean coal technology that we have come to develop in the last decade or so. We can continue to use coal. We can use it in a manner in which we take out many of the impurities—the sulfur, and so forth. We can address the reality that we can produce more natural gas in this country, but the incentive has to be there. That is a return on investment.

Obviously, we can reduce our increased dependence on imported oil by producing more domestic oil. Of course, that involves my State of Alaska and the item that I first mentioned, the accuracy of some of the important portrayals of ANWR.

In conclusion, to those who suggest the potential development in ANWR, a reserve somewhere in the area of 5.6 billion to as high as 16 billion—and if it were an average of 10 billion it would be the largest oilfield found in the last 40 years—I suggest the prospects for developments of this area are very good. We have the technology to open it safely, there is absolutely no question about that, with the 3–D seismic and directional drilling.

The people, the residents in the area of Katovik and Nuiqsut, Barrow, the Natives who live in this area who are dependent pretty much on the realities associated with hunting and fishing for their livelihood, a subsistence lifestyle, also have aspirations of a better life, an alternative life, and this provides them with jobs, education, health care opportunities, and opportunities for their children as well to prosper. Just as people in any other community, they have visions of a better life. They support it.

Some say it is a 6-month supply. That is a totally unsuitable and inappropriate comparison because, as we all know, if you were to stop all the oil flowing into the United States for a 6-month period, that is what it would take to say that this is a 6-month supply. You would have to stop all oil imports coming in from my State of Alaska, from oil produced in the United States, whether it be from California, Kentucky, or Pennsylvania, or imported into this country from overseas. That is what it would take to equal a 6 months' supply of oil.

That Prudhoe Bay has supplied the Nation with 20 to 25 percent of crude oil for the last 25 years—and the likelihood is this field is larger than Prudhoe Bay and would immediately flow in the area of somewhere in excess of 1 million barrels a day—is the reality about which we are talking.

It is important Members keep in mind the reality of separating fact from fiction, which again brings me to the fiction associated with the front page of the Washington Post in identifying three little bears as residents of the Arctic National Wildlife Refuge. Clearly, they are not, and we will have certification from the photographer as soon as we can obtain it relative to the exact location of where the picture of the three bears was taken.

Mr. President, thank you for indulging me additional time. I yield to my good friend from Nevada, if he is seeking recognition at this time.

The PRESIDING OFFICER. The Senator from Nevada.

RECONCILIATION LEGISLATION

Mr. REID. Mr. President, as we speak, there is a meeting of the Finance Committee taking place. There are 10 Democrats on that committee and 10 Republicans. I have tried today but really literally have been able to spend no more than 3 or 4 minutes watching the proceedings. They have been going on all day. I understand they will go on into the night trying to come up with a tax bill we call reconciliation.

I have heard in the last few minutes that there is going to be an attempt tomorrow to bring that bill before the Senate. I hope the majority understands there are 40 Democrats and 40 Republicans who do not sit on the Finance Committee. It is a prestigious committee, I understand, but the members cannot speak for the rest of us, either Democrats or Republicans.

I very much want to have the opportunity to look through certain parts of that bill. It is going to be a very large piece of legislation. I doubt I will be able to read all of it, but I want to read parts of it. I have a staff that will read every word of it and bring to my attention those things I have not looked at first.

I have a staff that I think is well equipped to peruse that bill, but I just cannot imagine that we would go to that bill tomorrow without Members of the Senate having an opportunity to look at that legislation. That is how we get into trouble legislatively.

It is unfair to the American people. I have said from the very beginning we are doing well. We have a surplus. We deserve a tax cut. The American people, the people of Nevada deserve a tax cut, and they should get an immediate tax cut. But that tax cut should be given to them with deliberation. We

should make sure we understand every provision in that very important legislation. I cannot imagine a legislator voting for or against that bill not having the opportunity to read it.

I hope we slow down. We can work on this bill Thursday or next Monday or Tuesday just as well as we can tomorrow. What I prefer, when they report that bill out of committee, is we have several days to look at it.

I repeat, there is no effort on this Senator's part to unduly delay proceedings. There are all kinds of ways we can do that. There has been talk, if this proceeding goes forward as indicated, that people will file lots and lots of amendments, and we would have to vote on every one of them and the voting would take several weeks.

There are methods of slowing this down. I hope we will not have to resort to any of those. I hope we have ample time for us and for our staffs to review this legislation in some detail.

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

Mr. REID. I will be happy to yield to my friend from North Dakota, whom I appreciate being here. I say prior to yielding, I served in the House with my friend from North Dakota. I looked to him when we served together. He was one of the leaders of issues dealing with money. He was on the Ways and Means Committee, which is the comparable committee to the Finance Committee in the Senate.

I will be happy to yield to my friend from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Nevada makes a critically important point. It is important for all of us to think through this process and this strategy. We are blessed with a wonderful country that has had an economy that has produced jobs and expansion and opportunity in the last years. We want to make sure we do not create a fiscal policy that turns that around and moves us back into big Federal budget deficits and economic contraction rather than expansion.

The Congress is now, in a new day, set to provide some tax breaks because we are at this point experiencing some budget surpluses.

I support tax cuts. They need to be thoughtful and reasonable. They need to be fair to all the American people. But what I worry about is we are told that the Finance Committee is now writing a tax bill. It is now 6:30 in the evening. I understand there are over 120 amendments to that bill that have been filed. They are sitting over in, I believe, 216 of the Hart Building going through amendments. If they do finish tonight, I expect they will work until the wee hours of the morning.

We are told—I do not know if this is the case—we are told that at 10 o'clock tomorrow morning the Senate will be confronted with the reconciliation bill, the tax bill that is being written this evening. If that is brought before the full Senate for consideration at 10 o'clock in the morning, I ask who in the Senate, A, has read it; B, knows what is in it; and C, has studied it enough to evaluate what kind of amendments they may or may not offer.

The answer to that question—I will answer it myself—is nobody. Not one Member of the Senate will have the foggiest notion of what is in that bill. So bringing that bill up tomorrow at 10 o'clock in the morning will be a disservice to this body and a disservice, in my judgment, to good sound fiscal policy for this country.

We are talking, after all, about a proposal that will affect Federal revenues for well over a decade. We are talking about affecting Federal revenues for over 10 years. This tax bill is put together with the prospect that we will always have budget surpluses in our future, something I hope we will have, but there is no guarantee that will be the case. There is still such a thing as a business cycle, and there is still a contraction phase in the business cycle.

I worry very much we may not experience the surpluses, and if we put in a very large tax cut that some are proposing to do, the bulk of which, by the way, will go to the largest income earners in the country, if we do that in a way that is thoughtless rather than thoughtful, we will throw this country into very significant trouble.

I implore the majority leader and those involved in scheduling not to tell us that the Finance Committee will finish at midnight tonight and, oh, by the way, we will bring that before the Senate at 10 a.m. tomorrow knowing we have not read it, knowing we have not studied it, and knowing we would not have an opportunity to figure out what amendments might be necessary. We will do it and do it under a reconciliation proposal, which is a complete fraud as we know—it was never intended for this purpose—and it will be limited to 20 hours of debate on a bill that is worth trillions of dollars that will affect this country's revenues for the next decade. Is that a thoughtful or a thoughtless way to legislate? My hope is that we can persuade those in charge to understand the best way to do this would be to go through this committee, the Finance Committee, report a bill to the floor, have it printed—God forbid, that should be a radical thought, to have a bill printed—have it on the desks of Members of the Senate, have people study the bill, evaluate what its consequences might be for the country, figure out who gets what, whether it is a fair tax cut, and then come back and debate it after having a couple of days of study and evaluation, offer amendments, and proceed to decide exactly how the Senate wants to work its will on this important issue.

I ask the Senator from Nevada, does the Senator from Nevada think if they bring this to the floor at 10 o'clock in the morning that there is anyone in the Senate, save for those who serve on the Finance Committee, who will know what is in that piece of legislation?

Mr. REID. I answer my friend from North Dakota by saying I think there are several, of the 20 who serve on the committee, who would have a foggy idea of what is in various parts of that bill. Not even every member of the Finance Committee would have a foggy idea of what is in the bill. And certainly the 80 people who do not serve on the committee would not have the slightest idea of what is in that legislation. The Senator from North Dakota is correct.

I also say to my friend who has served in the Congress longer than I, I have known of occurrences when these bills are rushed through that mistakes are made: printing errors, people not having had the opportunity to look at them. Also, some mischievous things have happened. We know during the budget that was debated a couple of weeks ago in the House of Representatives, there were two very important pages missing that they found at 2 o'clock in the morning. Those were the pages dealing with how we would handle, in the budget, the tax measures. Whether it was done on purpose or not I do not know. The fact is those pages were found to be missing and it was necessary to put that over for a couple of days.

I say to my friend from North Dakota, I think the majority would be so much better served, our country would be better served, if we had the opportunity to have this week to study this legislation, come back Monday, we could come in at 9 o'clock in the morning—it doesn't matter to this Senator. We could have ample time next week. There are 20 hours to debate it. We could have some thoughtful amendments prepared.

I am stating to anyone within the sound of my voice that there may be some Senators who feel so strongly about this basic principle, that before you vote on something you should be able to read it, who have this radical idea that they want to have a bill that involves trillions of dollars and, as the Senator has indicated, will involve fiscal policy for this country for more than 10 years—they have this radical idea they would like to understand a little bit before they vote on it. They may feel so strongly that they may file a thousand amendments on this legislation, and the rules are that we only have 20 hours of debate, but we can have a thousand days of voting on amendments.

It would seem to me to serve everyone's best interests if we approach this in a deliberative manner, recognizing there are only 20 hours of debate on it. We could take it up Monday or Tuesday, finish it next week.

I say to my friend from North Dakota, I will be happy to yield to him to answer that question. Does it not seem to make sense with a piece of legislation that will be huge, to have some idea what is in it before we are required to vote on final passage of this

most important legislation to people of Nevada, North Dakota, and all over this country?

Mr. DORGAN. The Senator from Nevada yields, and I appreciate that. I only have this to say. The people of America don't care, I am sure, whether you or I or anyone else has the opportunity to speak as long as we might want to speak on anything. They could not care less. Nobody is going to walk around with a bad attitude because somebody here doesn't have enough time to talk on the floor of the Senate.

What is important, if we are going to cut benefits, is who gets the benefit of those tax cuts? I wondered in school whether fractions would ever come in handy. We studied them in the lower grades. Let me give a couple of simple fractions.

From a briefing, I understand, over in the Finance Committee right now the chairman's mark—which is going to pass and be brought to the floor and apparently going to be brought here at 10 o'clock in the morning—does the following: The top 1 percent of the American income earners pay about a quarter of the taxes. They are going to get about a third of the tax cuts.

Let me say that again because I think it is important. The top 1 percent of the income earners in America pay about a quarter of the taxes, one-fourth of the taxes. But the tax bill that is going to come here at 10 in the morning gives them a third of the tax cuts.

I did take fractions. I didn't go way beyond fractions in my little school, but I understand fractions enough to understand that is not fair. Why not take some of that tax cut back, which is above that which should go to the top 1 percent, and give it back to the folks in the rest of the 99 percent and say: If we are going to give taxes back, let's make sure everybody is treated fairly. Wouldn't everybody at every tax bracket like to have a little more back than they pay in? The top 1 percent do. They get it under this bill.

As we take a look at all this and ask ourselves are we going to have a chance to dig into this, offer amendments, understand it, make changes, the answer is: If the bill is not written, except that provision, of course, is already in the chairman's mark and we know he has the votes to get that out—if this bill isn't written, they have 120 or so additional amendments they are going to consider this evening. Now we are told they want to bring it to the floor at 10 o'clock in the morning?

I just ask the question, not so much on my behalf but on behalf of the American people who are not going to get the benefit of getting a bigger tax cut than the proportion of that which they paid in in taxes, would it be fair to have everybody take a look at this and see if maybe there is not a little better way to cut this pie? There are only so many pieces when you cut these pies up. It seems to me there is kind of this hog-in-the-corn-crib approach to some of these things around here. The same people always get the biggest slice. Did you ever notice that? The same interests always seem to end up with the biggest slice.

That is what I fear is going to happen here. It is not that I oppose a tax cut. I do not oppose a tax cut. In fact, I support a tax cut. We have a surplus. Some of that ought to go back to the American people in the form of a tax cut. But it ought to be fair. It ought to be a circumstance where a lot of people who do not have lobbyists walking around this building or haven't been able to afford people to represent their interests, those people, somewhere on the floor of the Senate, ought to have people to dissect this, take it apart and evaluate who is getting a fair piece. Whose slice of this tax cut is appropriate? Whose slice is too large?

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. REID. The other Senator from North Dakota, I spoke to him right down in the well of the Senate a half hour ago. He left the Finance Committee to come to vote.

I said: How are things going, Senator CONRAD?

He said: You can't believe some of the things that are going on there. He said: For example, so that they do not raid the Social Security trust fund this year, they put off one provision for 15 days so they will not raid it for 15 days so they can go around and say we did not raid the trust fund this year—but we will do it in 15 days when it cuts in.

I would like to read that. I would like Senator CONRAD or someone on my staff to point out where it is they did that.

Mr. DORGAN. If you remember a couple of years ago, they created a 13th month—sort of the same tactic, perhaps by the same people.

Mr. REID. I remember that. Thanks for reminding me.

The Senator from North Dakota, Senator CONRAD, also said to me, one of the provisions in here had a sunset provision so things would just stop and have to start all over at a certain time. That was something that they have also, as of a half hour ago, a kind of gimmick, the sunset provision. They changed it only a matter of a few hours.

There are some things going on that should be open. Sunshine should shine on this bill so everyone has a chance to look at what is in it.

Maybe my suspicions are all wrong—I hope so; I hope everything has been done aboveboard—that the Medicare trust fund is not violated, as I think it is. I hope the Social Security trust fund is held inviolate, that it is not also raided so people get these tax cuts. The people of Nevada want tax cuts, but they do not want them at the expense of taking money from the Medicare trust fund or the Social Security trust fund. So all I am saying is, let's take a look at this bill and see whether that, in fact, is the case.

Would the Senator agree that those are a couple of examples, whether valid or not, and we should check to see if they are by reading the bill?

Mr. DORGAN. Mr. President, I say to the Senator from Nevada, he is absolutely correct. This rush here seems to me to be inappropriate if, in fact, they bring a bill to the floor tomorrow at 10 a.m. that has not yet been written—it is now 20 minutes to 7 here in Washington, DC—the bill has not yet been completed, and there are 100 and some amendments remaining. They are over in the Hart Building finishing it. It will be brought over to the Senate. I guarantee it will not be printed. They will have one copy at the desk. Someone may have made some copies, some Xerox copies, and hope they don't lose a couple pages this time. A couple weeks ago they lost a couple pages and held things up. But that is not the way to legislate.

It seems to me the thoughtful way to do this would be to move this through the Finance Committee, have it printed, bring it to the floor, lay it over at least 1 day—it should be more than that—give people an opportunity to study it, and determine what is in it and how they might wish to amend it.

There is an old saying I mentioned before in this Senate Chamber: Never buy something from somebody who is out of breath. There is a kind of breathless quality to this rush: We must rush; We must get this done immediately; We must bring this bill to the floor immediately.

That is not fair. It is not fair in terms of those who come to this Senate wanting to represent their constituents, wanting to know what is in it for various income groups, various occupations. How will it affect their constituents? How will it affect the people living in their State? In order to do that, they will need to see how the bill is written and be able to evaluate it with their legislative assistants.

Just making a final point to the Senator from Nevada, I did serve in the other body, in the House, and served for 10 years on the Ways and Means Committee. We wrote tax law. We had done this many times, where we would write a rather complicated piece of legislation. But it has generally been the case that when you write tax law, and write legislation that is complicated—and tax law by definition is always complicated—you give people an opportunity to evaluate it, to think through it, to try to understand what kind of changes they would like to make; and then have the body work its will.

There is, as I said, a kind of breathless quality around here to rushing this thing through. I am not quite sure I understand why. As I indicated, this will affect our country for a decade. This is big stakes. It will have significant impacts on our economy, on the condition of the American economy, the rates of economic growth. I am not

sure how. I am not sure anybody understands how. But we ought to all be given the opportunity to think through and evaluate what is in it, what it means to our country, what it means for the American people in general, and what it means for income groups and occupations, and so on.

The only way we can do that is to have the time. So I urge the majority leader, do not try to do that tomorrow. Do not bring a bill up tomorrow that has not yet been printed and ask the Senate, under 20 hours of time, to begin debating and trying to amend a piece of legislation that has not yet been printed. That is not fair to the Senate and that is not a thoughtful way to legislate.

Mr. REID. If the Senator would yield, I think we have to make sure that people understand this is not some stalling game we are playing. This bill is fast tracked. We have 20 hours to debate it. The majority has a right to yield back 10 of those hours. So it could be done in 1 day.

But I do not think it is a radical proposal when I say for the people I represent—the 2 million people I represent—I would sure like to read this bill first, have my staff review this bill first. I do not think that is asking too much. That is all we are asking.

I think the majority is buying themselves a lot of trouble by trying to fast track this. There is no reason to do this. Let us look at the legislation. We are going to offer amendments anyway. We might as well offer amendments that have some bearing on the bill we have read rather than one we have heard about reported in the press.

Mr. DORGAN. Mr. President, I yield the floor.

PRAYERS FOR THE CAPITOL POLICE

Mr. REID. Mr. President, I was here this morning when the Senate was opened and the Chaplain gave a prayer. The prayer was dedicated to the police officers all over the country because this week we honor these brave men and women who have lost their lives in the line of duty. We recognize them. But the part of the prayer the Chaplain gave that I thought was so moving was directed to our Capitol Police force.

We take for granted these men and women who stand at the doors and patrol these large facilities. We take them for granted because we don't see them often directing traffic or arresting people, even though they do that. In fact, we know they are moments away from danger or terror at all times of the day.

That was recognized a few years ago when two of our finest were gunned down blocking an entrance to this building saving the life of the majority whip in the House of Representatives.

I appreciate the prayer of the Chaplain. These men and women do a remarkable job for the country.

All around the world today there are evil people who if they could figure a way to do damage to these representative buildings of this great democracy or to the people who work in them, would do whatever evil they could. But what keeps them from doing that is the Capitol Police force. They are well trained. We are now, in fact, working towards developing our own academies so these men and women can be trained in this area and not have to travel hundreds of miles away in Georgia to do their training.

There is no better trained police force any place in the world than the Capitol Police. Whatever the danger, whether it is a bomb threat, the need to call in a SWAT Team, or protecting the many dignitaries who come here, they do it, and they do it very well—without any fanfare and without seeking any glory or aggrandizement of any kind.

Again, I very much appreciate the prayer of the Chaplain today. I hope we will all join in recognizing the fine work done by the men and women of our Capitol Police force. Every day I see them I recognize they are there to protect me, my family, the people of this country, and these beautiful buildings in which we have the privilege of working.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to detail a heinous crime that occurred October 29, 1999 in Indianapolis, Indiana. A trio of men, while allegedly committing a series of robberies, broke into the apartment of two men. Convinced that the men were gay, the perpetrators forced the men to strip, tied them together, and tortured them with a hot iron. During the attack that lasted more than 30 minutes, both victims were burned repeatedly, kicked, beaten with a small baseball bat and other household items, and taunted with homophobic remarks. One of the victims was forced to drink a mixture of bleach and urine. The robbers also tried to burn the building down on their way out but later inexplicably returned, put out the fire, and gave some water to the man they made drink the bleach mixture. The robbers walked away from the scene after having stolen $6.

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.

IMPORTANCE OF THE SMALL BUSINESS ADMINISTRATION

Mr. KERRY. Mr. President, I speak today in strong support of the sense-of-the Senate resolution introduced by Chairman BOND and myself, recognizing the important role played by the Small Business Administration on behalf of the United States small business community. I am pleased to say that nearly every Senator on the Small Business Committee has cosponsored this important Resolution. I would like to thank Senators BURNS, LEVIN, BENNETT, HARKIN, SNOWE, LIEBERMAN, ENZI, WELLSTONE, CRAPO, CLELAND, ENSIGN, LANDRIEU, EDWARDS, and CANTWELL for showing their support for America's small businesses by cosponsoring this Resolution.

Mr. President, small businesses keep the U.S. economy moving. They are responsible for employing more than 52 percent of the private workforce; for generating more than 51 percent of the nation's gross domestic product; and are the principal source of new jobs. They were also responsible for helping to end the recession of the early 1990's, and with the right programs and assistance, will be a major factor in sustaining our current economy.

To help them achieve success, small businesses rely on a range of programs administered and monitored by the Small Business Administration (SBA), such as the Small Business Innovation Research Program (SBIR), the 7(a) Guaranteed Loan Program, the 8(a) Business Development Program, the Small Business Development Center and Women's Business Center Programs, and the New Markets Venture Capital Program. And these are just a few of the many initiatives that continue to receive widespread support from the Senate and House Committees on Small Business, as well as the Congress as a whole. Our resolution commends the SBA for their activities, and calls on the President to make every effort to strengthen and expand assistance to small business concerns through Federal programs.

SBA programs are relied upon to help restore economically depressed communities, spur technological innovation, provide access to capital, train entrepreneurs, monitor the procurement practices of Federal agencies, and ensure small businesses are heard when new regulations are being developed. Unfortunately, the SBA has received increasing responsibilities without the necessary increase in resources to do the job as effectively as possible.

To make the situation worse, the Bush administration's budget request for fiscal year 2002 is woefully inadequate and goes in the wrong direction. President Bush has consistently stated that the economy is in a period of economic decline, yet he has proposed limiting the resources available to our small businesses by cutting funding and charging additional fees for programs that create businesses and jobs, and help generate revenue for the American people.

Mr. President, I would like to commend Chairman BOND for working with me to pass an amendment to the budget resolution restoring many of the cuts initiated by the Bush administration. I am hopeful that our joint effort will be retained in the final budget. I also hope that by continuing to work in a bipartisan fashion on this critical issue, we can further increase SBA resources for the next fiscal year. The SBA deserves our continued support for its important work, and I urge my colleagues to support this resolution as well as sufficient resources for the SBA and America's small businesses.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 14, 2001, the Federal debt stood at $5,641,550,724,928.73, Five trillion, six hundred forty-one billion, five hundred fifty million, seven hundred twenty-four thousand, nine hundred twenty-eight dollars and seventy-three cents.

Five years ago, May 14, 1996, the Federal debt stood at $5,096,217,000,000, Five trillion, ninety-six billion, two hundred seventeen million.

Ten years ago, May 14, 1991, the Federal debt stood at $3,435,319,000,000, Three trillion, four hundred thirty-five billion, three hundred nineteen million.

Fifteen years ago, May 14, 1986, the Federal debt stood at $2,013,345,000,000, Two trillion, thirteen billion, three hundred forty-five million.

Twenty-five years ago, May 14, 1976, the Federal debt stood at $601,068,000,000, Six hundred one billion, sixty-eight million, which reflects a debt increase of more than $5 trillion, $5,040,482,724,928.73, Five trillion, forty billion, four hundred eighty-two million, seven hundred twenty-four thousand, nine hundred twenty-eight dollars and seventy-three cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN AND MARY JANE STOKESBERRY

• Mr. GRAHAM. Mr. President, I am pleased to have this opportunity to recognize the exemplary contributions of an extraordinary couple, John and Mary Jane Stokesberry of Miami, FL. Given John's significant impact on public policy development and implementation in the areas of gerontology and aging and Mary Jane's passion for teaching those with special educational needs, I know their joint retirement on June 30, 2001 will leave a void which will be difficult to fill.

John L. Stokesberry has to his credit over 30 years of administrative leadership in human service delivery in Florida. In his most recent public role, John has served as the Executive Director of the Alliance for Aging, Inc., the Area Agency on Aging for Miami-Dade and Monroe Counties in Florida. Through his compassionate and adept oversight, many seniors and developmentally challenged individuals have been provided the benefit of quality care and the timely provision of services.

Florida has long been a favored retirement destination for seniors who have worked hard throughout their lives. They are more than deserving of living out their days in dignity and with whatever comfort and respect we are able to provide. Consequently, in Florida, increasing attention and focus is being placed on aging issues. John L. Stokesberry's contributions in helping to chart Florida's course in this relatively new frontier have been pivotal. We have benefitted from his remarkable expertise, coalition building and advocacy for over three decades. Whether at the district or state administrative levels, his leadership has always been felt and has enhanced the mission of our state in meeting the needs of our seniors.

Mary Jane Stokesberry has worked at the Van E. Blanton Elementary School for 39 years and currently serves as the Chair of the Special Education Department. While instructing young people who have special needs can present unique challenges, Mary Jane's genuine warmth and patience has consistently led to the most positive development of her students. It came as no surprise when she was formerly designated as a Regional Teacher of the Year. Though many of her former students are now adults, I am sure they would agree that Mary Jane has left an indelible mark on their lives. Through her exceptional legacy, I am reminded of the proverb, ''if you give a child a fish you feed them for a day; if you teach a child how to fish, you feed them for a lifetime.'' Mary Jane has fed countless children for a lifetime.

For these reasons, I am proud to join the chorus of other voices in Florida and Miami-Dade County who extend to John and Mary Jane Stokesberry best wishes on the occasion of their retirements. I congratulate them today and wish for them many more productive and healthy years.•

TRIBUTE TO PERRY COMO

• Mr. SANTORUM. Mr. President, I would like to celebrate the life, and commemorate the death of an American cultural icon from the Commonwealth of Pennsylvania, Perry Como.

On May 18, 1912, Pierino Roland Como was born in Canonsburg, PA, the seventh of thirteen children to Italian immigrants. Pierino, who would become known to the world as Perry, would lead a life which was the American dream personified. He began working as a barber's apprentice in Canonsburg at the age of eleven to help provide for his family. It is reported that Mr. Como's illustrious singing career developed by singing to patrons in his own barber shop which he opened by fourteen. The baritone voice, which would become famous throughout the world, was soon discovered by a band traveling through his steel town and he began his career as an entertainer. In 1933, Mr. Como married his childhood sweetheart, Roselle Beline, who told him he could open another barber shop if his singing career failed. His career did not fail, nor did their marriage which lasted until Roselle's death in 1998.

Perry Como's singing and performing career spanned six decades and during that period he sold over 100 million records. Twenty-seven of his albums went gold, while fourteen singles reached number one on the charts. In 1945, ''Till the End of Time'' became the first single to sell more than one million records. After his great success in record sales in the 1940's, 50's and 60's, his career evolved into that of a television star. From 1948 to 1963, Perry Como was a fixture in American homes as a pioneer of the variety show format. He won acclaim for his performances including 5 Emmy awards. He also won Peabody and Golden Mike awards during his career. And in 1987 Mr. Como was presented a Kennedy Center Honor for outstanding achievement in the performing arts by President Ronald Reagan.

Mr. Como's fame was worldwide and lasting. The BBC reports that he had twelve top ten hits in Britain, over twenty years. His Christmas broadcasts, for which, perhaps, he was most famous, were broadcast from around the globe over the years, including Israel, Paris, and London. A Roman Catholic, he reached Protestants and Catholics alike through his renditions of ''Ave Maria'' and ''The Lord's Prayer.'' He sang ''Kol Nidre'' each year on his television program in observance of Yom Kippur. Mr. Como also made many fans in Japan, where his variety shows had unique success. Perry Como continued to perform for fans in the United States well into his eighties.

It is with great humility that I ask this body to remember an American cultural icon on the occasion of his passing. I hope and pray that future generations of Americans will use Perry Como's example of dignity and decency in conducting their personal and professional lives.•

STOCKDALE HIGH SCHOOL REPRESENTS CALIFORNIA IN THE WE THE PEOPLE NATIONAL COMPETITION

• Mrs. FEINSTEIN. Mr. President, I rise today to recognize the achievements of students from Stockdale High School for winning an honorable mention in the We the People..The Citizen and the Constitution national competition. These outstanding students from Bakersfield, CA competed against 49 other classes from across the country and demonstrated a vast knowledge of the U.S. Constitution and American democracy. Their accomplishments are a

reflection of their hard work and preparation for this prestigious event.

On April 21–23, 2001, hundreds of young people ascended on our Nation's Capital to participate in the We the People national finals. This exciting competition is administered by the Center for the Civic Education to educate students on the history and principles of American constitutional government. Reaching more than 26 million students nationwide, We the People introduces elementary, middle, and high school students to the intricacies of our government and encourages them to contribute actively to the political process throughout their lives.

I can think of no better way to ensure that this country has competent citizens and future leaders than to encourage more of our Nation's youth to participate in programs such as this one. I am particularly proud of the accomplishments of the Stockdale High School class and encourage these students to be ever vigilant in their future endeavors to learn about and foster our democracy.●

TRIBUTE TO GEORGE CROMBIE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to George Crombie of Nashua, NH, for being named as the 2001 recipient of the Charles Walter Nichols Award. This award was established to recognize outstanding and meritorious achievement in the environmental field.

George serves as the Director of Public Works for the City of Nashua, NH, and manages the full service public works division which services a population of 85,000 residents. His experience in environmental and public works management have enhanced the quality of life for residents in Nashua.

George has served as Public Works Director in Durham, NH, and Burlington, VT. He has also served as undersecretary of Environmental Affairs for the Commonwealth of Massachusetts. A strong coalition builder, George has guided numerous environmental and public projects through development in our state.

He received a Bachelors Degree from the University of New Hampshire and a Master of Public Administration Degree from Northeastern University. George is a past President of the New England Public Works Association and has been honored as the chapter's Man of the Year.

George and his wife, Jacqueline, have three children: Jill, Jack and Jane. He serves on several professional boards including: American Public Works Association, Water Pollution Control Federation, New England Chapter of the American Public Works Association and the New Hampshire Good Roads Association.

George Crombie is a tribute to his community and profession. As Chairman of the Environment and Public Works Committee it is an honor to work with George on issues important to the City of Nashua. His dedicated service to the citizens of Nashua and New Hampshire is to be commended. It is an honor and a privilege to represent him in the U.S. Senate.●

BUENO FOODS 50TH ANNIVERSARY

● Mr. DOMENICI. Mr. President, I rise today to pay tribute to a family-owned business in my home State of New Mexico, which is not only a staple and generous partner in the community, but has grown to be one of the largest Hispanic-owned businesses in the United States. This company, Bueno Foods, this week celebrates its Golden Anniversary—50 years of producing premiere New Mexican food products. The company, housed in Albuquerque's South Valley, is a pride for the community.

Started back in 1951, the company provided the means for the Baca brothers, Joe, Ray and Augustine, to provide for themselves, their family, and improve their community. In the years after World War II, the Baca brothers first opened a grocery store that prospered until supermarket chains started to infiltrate the Albuquerque market. The brothers realized that in order to stay in business for themselves, they needed a new direction. So they expanded their business by featuring the traditional New Mexican recipes of their mother, Filomena. Their company became the first commercial producer of flame-roasted, fresh frozen green chile. Today the name ''Bueno Foods'' is synonymous with that frozen green chile.

Since those days, the company has grown from a company with five employees to one with 240 workers. Still family run by the Baca family, its purpose has not only been to provide high-quality, authentic products, but also good jobs and active community involvement. Even with its large growth, the company has kept its roots and main plant in the South Valley, a historic and proud part of Albuquerque.

Throughout the years, Bueno has remained true to its core values and beliefs that center around making people's lives better through jobs and opportunity, and contributing to the community. Bueno donates part of its profits to charities and scholarships, and every Christmas helps to provide food and clothing to the needy.

As Bueno Foods turns 50, it is celebrating its golden anniversary in a way that continues to epitomize those values. The company has teamed up with several organizations to host a 4-day fiesta for the South Valley's Barelas community, where the Bacas were born and started their small business. My congratulations go to Bueno Foods president, Jacqueline Baca, the other members of the Baca family who continue the legacy of the Baca brothers, and all their employees. I encourage my colleagues to join me in saluting this company's success and its commitment to the Hispanic entrepreneurial and community spirit.●

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 or May 20, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 15, 2001.*

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing and Urban Affairs.

To the Congress of the United States:

Section 202(s) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the president publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 2001. The most recent notice continuing this emergency was published in the *Federal Register* on May 19, 2000.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 15, 2001.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 872. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal

Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

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–1837. A communication from the Acting Deputy Under Secretary of Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Business Enterprise Grants and Television Demonstration Grants'' received on May 14, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1838. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''North Dakota Regulatory Program'' (ND–040–FOR) received on May 14, 2001; to the Committee on Energy and Natural Resources.

EC–1839. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal-Aid Agreement'' (RIN2125–AE77) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1840. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of the NAAQS for PM–10 in the Weirton, West Virginia Nonattainment Area'' (FRL6979) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1841. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL6980–8) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1842. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Nitrogen Oxides Budget Trading Program'' (FRL6981–4) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1843. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Effective Date Modification for the Determination of Nonattainment as of November 15, 1996, and Reclassification of the St. Louis Ozone Nonattainment Area; States of Missouri and Illinois'' (FRL6980–7) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1844. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law , a report relative to a transaction involving U.S. exports to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC–1845. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Doc. No. FEMA–7761) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1846. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program (NFIP); Letter of Map Revision and Letter of Map Revision Based on Fill Requests'' (RIN3067–AD13) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1847. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Doc. No. FEMA–7320) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1848. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Doc. No. FEMA–D–7503) received on May 14, 2001; to the Committee on Banking , Housing, and Urban Affairs.

EC–1849. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Applicability of Section 23A of the Federal Reserve Act to loans and Extensions of Credit made by a member bank to a third party'' (R–1016) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1850. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Applicability of Section 23A of the Federal Reserve Act to the Purchase of Securities from Certain Affiliates'' (R–1015) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1851. A communication from the Secretary of the Division of Market Research, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Definition of Terms in a Specific Exemptions for Banks, Savings Associations, and Savings Banks Under Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934'' (RIN3235–AI19) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1852. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Criteria for Submitting Supplemental Practice Expense Survey Data'' (RIN0938–AK14) received on May 14, 2001; to the Committee on Finance.

EC–1853. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Home and Community Based Services'' (RIN0938–AI67) received on May 14, 2001; to the Committee on Finance.

EC–1854. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare, Medicaid, and CLIA Programs; Extension of Certain Effective Dates for Clinical Laboratory Requirements Under CLIA'' (RIN0938–AI94) received on May 14, 2001; to the Committee on Finance.

EC–1855. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Child Support Enforcement Program; Incentive Payments, Audit Penalties'' (RIN0970–AB85) received on May 14, 2001; to the Committee on Finance.

EC–1856. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''National Medical Support Notice'' (RIN0970–AB97) received on May 14, 2001; to the Committee on Finance.

EC–1857. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Self-Assessment Review and Report'' (RIN0970–AB96) received on May 14, 2001; to the Committee on Finance.

EC–1858. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''High Performance Bonus'' (RIN0970–AC06) received on May 14, 2001; to the Committee on Finance.

EC–1859. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Additional Supplier Standards'' (RIN0938–AH19) received on May 14, 2001; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

James J. Jochum, of Virginia, to be an Assistant Secretary of Commerce.

John E. Robson, of California, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2005.

(The above nominations were reported with the recommendations that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 878. A bill to amend the Internal Revenue Code of 1986 to prorate the heavy vehicle use tax between the first and subsequent purchasers of the same vehicle in one taxable period; to the Committee on Finance.

By Mr. SANTORUM:

S. 879. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

By Mr. DEWINE (for himself and Mrs. LINCOLN):

S. 880. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BIDEN):

S. 881. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mrs. MURRAY, Ms. COLLINS, and Mr. SARBANES):

S. 882. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 883. A bill to ensure the energy self-sufficiency of the United States by 2011, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mrs. HUTCHISON):

S. 884. A bill to improve port-of-entry infrastructure along the Southwest border of the United States, to establish grants to improve port-of-entry facilities, to designate a port-of-entry as a port technology demonstration site, and for other purposes; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. CLELAND, and Mr. MILLER):

S. 885. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program; to the Committee on Finance.

By Mr. WELLSTONE:

S. 886. A bill to establish the Katie Poirier Abduction Emergency Fund, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 887. A bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S. 888. A bill to amend the Internal Revenue Code of 1986 to provide assistance to students and families coping with the costs of higher education, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. BREAUX, and Mr. JEFFORDS):

S. 889. A bill to protect consumers in managed care plans and in other health coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. SCHUMER, Mr. DEWINE, and Mr. CARPER):

S. 890. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and to provide additional resources for gun crime enforcement; to the Committee on the Judiciary.

By Mr. DODD:

S. 891. A bill to amend the Truth in Lending Act with respect to extensions of credit to consumers under the age of 21; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. 892. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels or fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself, Mr. HELMS, and Mr. MURKOWSKI):

S. Res. 89. A resolution expressing the sense of the Senate welcoming Taiwan's President Chen Shui-bian to the United States; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 117

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 117, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 170

At the request of Mr. REID, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 217

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 217, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 281

At the request of Mr. HAGEL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 311

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education.

S. 345

At the request of Mr. ALLARD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 421

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 421, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 442

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 442, a bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

S. 486

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 562

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 562, a bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens.

S. 587

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 677

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 694

At the request of Mr. BENNETT, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic,

or scholarly compositions created by the donor.

S. 723

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 723, a bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research.

S. 769

At the request of Mr. BROWNBACK, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 769, a bill to establish a carbon sequestration program and an implementing panel within the Department of Commerce to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the buildup of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change.

S. 794

At the request of Mr. THOMPSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 794, a bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry.

S. 829

At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 845

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource.

S. 866

At the request of Mr. REID, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 88

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of 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.

S. CON. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 15, a concurrent resolution to designate a National Day of Reconciliation.

S. CON. RES. 37

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes.

AMENDMENT NO. 378

At the request of Mrs. MURRAY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 378.

AMENDMENT NO. 564

At the request of Mr. BYRD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 564.

AMENDMENT NO. 640

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 640.

AMENDMENT NO. 648

At the request of Mr. HELMS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendment No. 648.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 878. A bill to amend the Internal Revenue Code of 1986 to prorate the heavy vehicle use tax between the first and subsequent purchasers of the same vehicle in one taxable period; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to talk about a bill that will help many truck-drivers across the country. As we all know, the trucking industry has incurred an incredible cost increase in recent years due to higher fuel prices and other taxes. One of my constituents, Phillip Parks, has felt this tremendous financial burden and, as a result, sold his truck and got out of the business altogether.

The heavy vehicle use tax is one tax many truck drivers, like Mr. Parks, are required to pay each year. Under the current IRS code, when a vehicle over 75,000 pounds is purchased and driven over 5,000 miles, the owner must pay a $550 heavy-use tax. However, if the owner sells the vehicle in the same year, he or she is unable to receive a refund on this tax, while the person buying the vehicle does not have to pay the tax during that year since it has already been paid. This is what happened to Mr. Parks.

My bill will not only make this tax more fair, but will provide some much-needed relief for people who wish to sell their trucks within the same year they bought them. The Heavy Vehicle Use Tax Equity Act will require the purchaser to pay a prorated tax on the vehicle, while the person selling it will receive a refund for the portion of the tax relative to the time in which they owned it.

I am pleased to introduce this bill that will help make our complex tax code more equitable while putting money back into the hands of hard-working Americans, like Phillip Parks of Stillwell, OK.

By Mr. SANTORUM:

S. 879. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

Mr. SANTORUM. Mr. President, 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. 879

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 ''Cosmetology Tax Fairness and Compliance Act of 2001''.

SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.

(a) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

''(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

''(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary.''

(b) DEFINITION OF COSMETOLOGY SERVICE.—Section 45B of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

''(1) hairdressing,

''(2) haircutting,

''(3) manicures and pedicures,

''(4) body waxing, facials, mud packs, wraps, and other similar skin treatments, and

''(5) any other beauty related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received for services performed after December 31, 2001.

SEC. 3. INFORMATION REPORTING AND TAXPAYER EDUCATION FOR PROVIDERS OF COSMETOLOGY SERVICES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6050S the following new section:

''SEC. 6050T. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.

''(a) IN GENERAL.—Every person (referred to in this section as a 'reporting person') who—

''(1) employs 1 or more cosmetologists to provide any cosmetology service,

''(2) rents a chair to 1 or more cosmetologists to provide any cosmetology service on at least 5 calendar days during a calendar year, or

''(3) in connection with its trade or business or rental activity, otherwise receives compensation from, or pays compensation to, 1 or more cosmetologists for the right to provide cosmetology services to, or for cosmetology services provided to, third-party patrons,

shall comply with the return requirements of subsection (b) and the taxpayer education requirements of subsection (c).

''(b) RETURN REQUIREMENTS.—The return requirements of this subsection are met by a reporting person if the requirements of each of the following paragraphs applicable to such person are met.

''(1) EMPLOYEES.—In the case of a reporting person who employs 1 or more cosmetologists to provide cosmetology services, the requirements of this paragraph are met if such person meets the requirements of sections 6051 (relating to receipts for employees) and 6053(b) (relating to tip reporting) with respect to each such employee.

''(2) INDEPENDENT CONTRACTORS.—In the case of a reporting person who pays compensation to 1 or more cosmetologists (other than as employees) for cosmetology services provided to third-party patrons, the requirements of this paragraph are met if such person meets the applicable requirements of section 6041 (relating to returns filed by persons making payments of $600 or more in the course of a trade or business), section 6041A (relating to returns to be filed by service-recipients who pay more than $600 in a calendar year for services from a service provider), and each other provision of this subpart that may be applicable to such compensation.

''(3) CHAIR RENTERS.—

''(A) IN GENERAL.—In the case of a reporting person who receives rent or other fees or compensation from 1 or more cosmetologists for use of a chair or for rights to provide any cosmetology service at a salon or other similar facility for more than 5 days in a calendar year, the requirements of this paragraph are met if such person—

''(i) makes a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such cosmetologist and the amount received from each such cosmetologist, and

''(ii) furnishes to each cosmetologist whose name is required to be set forth on such return a written statement showing—

''(I) the name, address, and phone number of the information contact of the reporting person,

''(II) the amount received from such cosmetologist, and

''(III) a statement informing such cosmetologist that (as required by this section), the reporting person has advised the Internal Revenue Service that the cosmetologist provided cosmetology services during the calendar year to which the statement relates.

''(B) METHOD AND TIME FOR PROVIDING STATEMENT.—The written statement required by clause (ii) of subparagraph (A) shall be furnished (either in person or by first-class mail which includes adequate notice that the statement or information is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under clause (i) of subparagraph (A) is to be made.

''(c) TAXPAYER EDUCATION REQUIREMENTS.—In the case of a reporting person who is required to provide a statement pursuant to subsection (b), the requirements of this subsection are met if such person provides to each such cosmetologist annually a publication, as designated by the Secretary, describing—

''(1) in the case of an employee, the tax and tip reporting obligations of employees, and

''(2) in the case of a cosmetologist who is not an employee of the reporting person, the tax obligations of independent contractors or proprietorships.

The publications shall be furnished either in person or by first-class mail which includes adequate notice that the publication is enclosed.

''(d) DEFINITIONS.—For purposes of this section—

''(1) COSMETOLOGIST.—

''(A) IN GENERAL.—The term 'cosmetologist' means an individual who provides any cosmetology service.

''(B) ANTI-AVOIDANCE RULE.—The Secretary may by regulation or ruling expand the term 'cosmetologist' to include any entity or arrangement if the Secretary determines that entities are being formed to circumvent the reporting requirements of this section.

''(2) COSMETOLOGY SERVICE.—The term 'cosmetology service' has the meaning given to such term by section 45B(c).

''(3) CHAIR.—The term 'chair' includes a chair, booth, or other furniture or equipment from which an individual provides a cosmetology service (determined without regard to whether the cosmetologist is entitled to use a specific chair, booth, or other similar furniture or equipment or has an exclusive right to use any such chair, booth, or other similar furniture or equipment).

''(e) EXCEPTIONS FOR CERTAIN EMPLOYEES.—Subsection (c) shall not apply to a reporting person with respect to an employee who is employed in a capacity for which tipping (or sharing tips) is not customary.''

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of such Code (relating to the definition of information returns) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively and by inserting after clause (x) the following new clause:

''(xi) section 6050T(a) (relating to returns by cosmetology service providers).''

By Mr. DEWINE (for himself and Mrs. LINCOLN):

S. 880. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Mr. President, I rise today to introduce a bill with my colleague, Senator LINCOLN, to help those with End Stage Renal Disease, ESRD, who receive Medicare-eligible kidney transplants. Our bill would help these patients maintain access to life-saving drugs needed to prevent their immune systems from rejecting their new organs.

With each kidney that is successfully transplanted, a gift of new life is given to the recipient. This precious gift should not be jeopardized simply because the recipient is unable to pay for the immunosuppressive drugs that help ensure that his or her immune system does not reject the new organ. It defies common sense for Medicare to cover expensive kidney transplant operations, but not cover the drugs necessary to preserve the transplanted organ.

I would like to thank my colleagues for supporting the passage of most of the bill that I introduced last Congress—S. 631—which was passed as part of the Medicare Benefits and Improvement Protection Act, BIPA. This law eliminated the 36-month time limitation for Medicare coverage of immunosuppressive medications for transplant recipients who (1) received a Medicare transplant and (2) have Medicare-age or disability status. However, transplant recipients whose Medicare eligibility is based solely on their End Stage Renal Disease, ESRD, status did not qualify for the extended coverage under BIPA and remain limited to coverage for 36 months post-transplant.

The bill we are introducing today simply would eliminate the 36-month time limitation for Medicare immunosuppressive drug coverage for the population that was not covered under last year's BIPA provision. Under current law, an individual with ESRD retains his or her Medicare coverage for all medical needs for 36 months post-transplant. This bill would eliminate the 36-month time limitation for the purpose of paying for the immunosuppressive drugs only—all other Medicare coverage, including that related to other post-transplant needs, would cease after 36 months, as under current law.

A 1999 Institute of Medicine, IOM, study estimated the cost of providing indefinite coverage of all Medicare-covered kidney transplants at $848 million over five years. The IOM estimate of eliminating the time limitation for Medicare-aged and disabled transplant recipients only, covered under BIPA, was $566 million over five years. This represents a difference of only $282 million over five years to cover the rest of the ESRD population.

Furthermore, our bill would make Medicare the secondary payer after 36 months for beneficiaries who do not have Medicare-age or disability status, which the IOM report did not consider. Recipients covered by our bill would be subject to the same Part B premium, deductible, and coinsurance that other beneficiaries pay to receive full Part B coverage.

Medicare will pay for another transplant (average cost is $100,000) or dialysis, annual cost is more than $50,000, if a transplant fails. It makes far better sense from an economic and social perspective to extend Medicare coverage for the anti-rejection medications especially at a time when the number of people waiting for a kidney transplant in this country exceeds 48,000 people.

I urge my colleagues to support our bill and help those who receive Medicare-eligible transplants gain access to the immunosuppressive drugs they need to prevent their bodies from rejecting transplanted kidneys.

This legislation is supported by the National Kidney Foundation, the American Society of Transplantation, the American Society of Pediatric Nephrology, the North American Transplant Coordinators Organization, LifeCenter, the Association of Organ Procurement Organizations, the American Kidney Fund, and the Polycystic Kidney Disease Foundation.

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. 880

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 ''Immunosuppressive Drug Coverage Act of 2001''.

SEC. 2. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.—

(1) IN GENERAL.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))'' after ''shall end''.

(2) APPLICATION.—In the case of an individual whose eligibility for benefits under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has ended except for the coverage of immunosuppressive drugs by reason of the amendment made by paragraph (1), the following rules shall apply:

(A) The individual shall be deemed to be enrolled in part B of the original medicare fee-for-service program under title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) for purposes of receiving coverage of such drugs.

(B) The individual shall be responsible for the full part B premium under section 1839 of such Act (42 U.S.C. 1395r) in order to receive such coverage.

(C) The provision of such drugs shall be subject to the application of—

(i) the part B deductible under section 1833(b) of such Act (42 U.S.C. 13951(b)); and

(ii) the coinsurance amount applicable for such drugs (as determined under such part B).

(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under such part B.

(3) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary of Health and Human Services shall establish procedures for—

(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of the amendment made by paragraph (1); and

(B) distinguishing such beneficiaries from beneficiaries that are enrolled under part B of title XVIII of the Social Security Act for the complete package of benefits under such part.

(4) TECHNICAL AMENDMENT.—Subsection (c) of section 226A (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Immunosuppressive Drugs Coverage Act of 2001, this subparagraph shall be applied without regard to any time limitation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A 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. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Immunosuppressive Drug Coverage Act of 2001, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2707)'' after ''requirements of such subparts''.

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Immunosuppressive Drug Coverage Act of 2001, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Coverage of Immunosuppressive drugs.''.

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Coverage of immunosuppressive drugs.'';

and

(2) by inserting after section 9812 the following:

''SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Immunosuppressive Drug Coverage Act of 2001, and such requirement shall be deemed to be incorporated into this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2002.

By Mr. HATCH (for himself and Mr. BIDEN):

S. 881. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Finance.

Mr. HATCH. Mr. President, today, my good friend and colleague, Senator BIDEN, and I are introducing legislation we have drafted to help ease the burden of those whose husband or wife or father or mother was a public safety officer and has made the ultimate sacrifice and died while protecting the citizens of this Nation. I am speaking of the families of law enforcement officers, firefighters, and rescue squad or ambulance crew members who have lost a loved one in the line of duty.

The Hatch-Biden bill we introduce in the Senate today, the Fallen Hero Survivor Benefit Fairness Act of 2001, is designed to make annuity benefits for survivors of public safety officers killed in the line of duty tax free, so long as the annuity is provided under a governmental plan to the surviving spouse or to the child of the deceased officer.

In the Taxpayer Relief Act of 1997, Congress took an important step in showing our appreciation for this country's fallen heroes by exempting from taxation survivor benefits for those killed in the line of duty after December 31, 1996. This change has undoubtedly made a significant difference to many such surviving families.

But what about the families of fallen heroes who died before that date? Should not their government-provided survivor annuities be tax-free as well? Of course they should.

This bill provides tax equity for those survivors receiving annuities for officers who died on or before December 31, 1996. We must make this tax-free treatment available for all survivors of peace officers who gave their lives to make this great country a

safer place for us all to live. The tax correction in this bill would not be retroactive. Rather, it provides that payments from a qualified survivor annuity received after December 31, 2001, would qualify for tax-free treatment, even if the peace officer was killed prior to the effective date of the Taxpayer Relief Act of 1997 provision.

We are not talking about a great deal of money here. The Joint Committee on Taxation estimates this correction would result in about $5 million per year in lost revenue or a total cost of $46 million over 10 years. This is not a high price to pay to show this country's gratitude for the service these men and women who are public safety officers perform each day when they leave their homes, the risks they take, and for the ultimate sacrifice some of them have made.

Last week, the House Committee on Ways and Means approved identical legislation to correct this problem, and I am told the bill is coming before the entire House for a vote today. Mr. President, this week (May 13–19, 2001) is National Police Week. Although it does not begin to pay our debt to these men and women and their survivors, I cannot think of a better way to honor those public service officers who have died in the line of duty than to pass bills like this one that recognize their sacrifices and attempt to help their survivors with their burdens. I hope our colleagues will join us in cosponsoring this bill and in passing this legislation this week.

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

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

S. 881

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fallen Hero Survivor Benefit Fairness Act of 2001''.

SEC. 2. CONSISTENT TREATMENT OF SURVIVOR BENEFITS FOR PUBLIC SAFETY OFFICERS KILLED IN THE LINE OF DUTY.

Subsection (b) of section 1528 of the Taxpayer Relief Act of 1997 (Public Law 105–34) is amended by striking the period and inserting '', and to amounts received in taxable years beginning after December 31, 2001, with respect to individuals dying on or before December 31, 1996.''.

By Ms. MIKULSKI (for himself, Ms. SNOWE, Mrs. MURRAY, Ms. COLLINS, and Mr. SARBANES):

S. 882. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, today, I rise to talk about an issue that is very important to me, very important to my constituents in Maryland and very important to the people of the United States of America.

For the fourth Congress in a row, I am joining in a bipartisan effort with my friend and colleague, Senator OLYMPIA SNOWE, to end an unfair policy of the Social Security System.

Senator SNOWE and I are introducing the Social Security Family Protection Act. This bill addresses retirement security and family security. We want the middle class of this Nation to know that we are going to give help to those who practice self-help.

What is it I am talking about? I was shocked when I found out that Social Security does not pay benefits for the last month of life. If a Social Security retiree dies on the 18th of the month or even on the 30th of the month, the surviving spouse or family members must send back the Social Security check for that month.

I think that is an harsh and heartless rule. That individual worked for Social Security benefits, earned those benefits, and paid into the Social Security trust fund. The system should allow the surviving spouse or the estate of the family to use that Social Security check for the last month of life.

This legislation has an urgency. When a loved one dies, there are expenses that the family must take care of. People have called my office in tears. Very often it is a son or a daughter that is grieving the death of a parent. They are clearing up the paperwork for their mom or dad, and there is the Social Security check. And they say, 'Senator, the check says for the month of May. Mom died on May 28. Why do we have to send the Social Security check back? We have bills to pay. We have utility coverage that we need to wrap up, mom's rent, or her mortgage, or health expenses. Why is Social Security telling me, 'Send the check back or we're going to come and get you'?'

With all the problems in our country today, we ought to be going after drug dealers and tax dodgers, not honest people who have paid into Social Security, and not the surviving spouse or the family who have been left with the bills for the last month of their loved one's life. They are absolutely right when they call me and say that Social Security was supposed to be there for them.

I've listened to my constituents and to the stories of their lives. What they say is this: ''Senator MIKULSKI, we don't want anything for free. But our family does want what our parents worked for. We do want what we feel we deserve and what has been paid for in the trust fund in our loved one's name. Please make sure that our family gets the Social Security check for the last month of our life.''

That is what our bill is going to do. That is why Senator Snowe and I are introducing the Family Social Security Protection Act. When we talk about retirement security, the most important part of that is income security. And the safety net for most Americans is Social Security.

We know that as Senators we have to make sure that Social Security remains solvent, and we are working to do that. We also don't want to create an undue administrative burden at the Social Security Administration—a burden that might affect today's retirees. But it is absolutely crucial that we provide a Social Security check for the last month of life.

How do we propose to do that? We have a very simple, straightforward way of dealing with this problem. Our legislation says that if you die before the 15th of the month, you will get a check for half the month. If you die after the 15th of the month, your surviving spouse or the family estate would get a check for the full month.

We think this bill is fundamentally fair. Senator SNOWE and I are old-fashioned in our belief in family values. We believe you honor your father and your mother. We believe that it is not only a good religious and moral principle, but it is good public policy as well.

The way to honor your father and mother is to have a strong Social Security System and to make sure the system is fair in every way. That means fair for the retiree and fair for the spouse and family. We strongly feel that the current system is an injustice to spouses and families across the Nation. Just because a beneficiary passes away, it does not mean that their bills can go unpaid. Join us to correct this policy and to ensure that families and recipients are protected during this difficult time. That is why we support making sure that the surviving spouse or family can keep the Social Security check for the last month of life.

We urge our colleagues to join us in this effort and support the Social Security Family Protection Act.

By Mr. DODD:

S. 883. A bill to ensure the energy self-sufficiency of the United States by 2011, and for other purposes; to the Committee on Energy and Natural Resources.

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

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

S. 883

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 ''Energy Independence Act of 2001''.

SEC. 2. DOMESTIC ENERGY SELF-SUFFICIENCY PLAN.

(a) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall develop and submit to Congress a strategic plan to ensure that the United States is energy self-sufficient by the year 2011.

(2) RECOMMENDATIONS.—The plan developed under paragraph (1) shall include recommendations for legislative and regulatory actions needed to achieve the goal of the plan described in that paragraph.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 3. FEDERAL GOVERNMENT FUEL CELL PILOT PROGRAM.

(a) PROGRAM.—The Secretary of Energy shall establish a program for the acquisition, for use at federally owned or operated facilities, of—

(1) not to exceed 100 commercially available 200 kilowatt fuel cell power plants;

(2) not to exceed 20 megawatts of power generated from commercially available fuel cell power plants; or

(3) a combination of the power plants described in paragraphs (1) and (2).

(b) FUNDING.—The Secretary shall provide funding and any other necessary assistance for the purchase, site engineering, installation, startup, training, operation, and maintenance costs associated with the acquisition of the power plants under subsection (a).

(c) DOMESTIC ASSEMBLY.—All fuel cell systems and fuel cell stacks in power plants acquired, or from which power is acquired, under subsection (a) shall be assembled in the United States.

(d) SITE SELECTION.—In the selection of a federally owned or operated facility as a site for the location of a power plant acquired under this section, or as a site to receive power acquired under this section, priority shall be given to a site with 1 or more of the following attributes:

(1) A location in an area classified as a nonattainment area under title I of the Clean Air Act (42 U.S.C. 7401 et seq.).

(2) Computer or electronic operations that are sensitive to power supply disruptions.

(3) A need for a reliable, uninterrupted power supply.

(4) A remote location or other factors requiring off-grid power generation.

(5) Critical manufacturing or other activities that support national security efforts.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $140,000,000 for the period of fiscal years 2002 through 2004.

SEC. 4. PROTON EXCHANGE MEMBRANE DEMONSTRATION PROGRAMS.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The President, in coordination with the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Housing and Urban Development, shall establish a program for the demonstration of fuel cell proton exchange membrane technology in the areas of responsibility of those Secretaries with respect to commercial, residential, and transportation applications, including buses.

(2) FOCUS.—The program established under paragraph (1) shall focus specifically on promoting the application of, and improving manufacturing production and processes for, proton exchange membrane fuel cell technology.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $140,000,000 for the period of fiscal years 2002 through 2004.

(b) BUS DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—The President, in coordination with the Secretary of Energy and the Secretary of Transportation, shall establish a comprehensive proton exchange membrane fuel cell bus demonstration program to address hydrogen production, storage, and use in transit bus applications.

(2) COMPONENTS.—The program established under paragraph (1) shall—

(A) cover all aspects of the introduction of proton exchange membrane fuel cells; and

(B) include provisions for—

(i) the development, installation, and operation of a hydrogen delivery system located on-site at transit bus terminals;

(ii) the development, installation, and operation of—

(I) on-site storage associated with the hydrogen delivery systems; and

(II) storage tank systems incorporated into the structure of a transit bus;

(iii) the demonstration of the use of hydrogen as a practical, safe, renewable energy source in a highly efficient, zero-emission power system for buses;

(iv) the development of a hydrogen proton exchange membrane fuel cell power system that is confirmed and verified as being compatible with transit bus application requirements;

(v) durability testing of the fuel cell bus at a national testing facility;

(vi) the identification and implementation of necessary codes and standards for the safe use of hydrogen as a fuel suitable for bus application, including the fuel cell power system and related operational facilities;

(vii) the identification and implementation of maintenance and overhaul requirements for hydrogen proton exchange membrane fuel cell transit buses; and

(viii) the completion of a fleet vehicle evaluation program by bus operators along normal transit routes to provide equipment manufacturers and transit operators with the necessary analyses to enable operation of the hydrogen proton exchange membrane fuel cell bus under a range of operating environments.

(3) DOMESTIC ASSEMBLY.—All fuel cell systems and fuel cell stacks in power plants acquired, or from which power is acquired, under paragraph (1) shall be assembled in the United States.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $150,000,000 for the period of fiscal years 2002 through 2004.

SEC. 5. FEDERAL VEHICLES.

(a) IN GENERAL.—The head of each agency of the Federal Government that maintains a fleet of motor vehicles shall develop, implement by not later than October 1, 2006, and carry out through September 30, 2011, a plan for a transition of the fleet to vehicles powered by fuel cell technology.

(b) REQUIREMENTS OF PLAN.—A plan developed under subsection (a) shall—

(1) incorporate and build on the results of completed and ongoing Federal demonstration programs, including the program established under section 4; and

(2) include additional demonstration programs and pilot programs as the head of the applicable agency determines to be necessary to test or investigate available technologies and transition procedures.

SEC. 6. LIFE-CYCLE COST BENEFIT ANALYSIS.

Any life-cycle cost benefit analysis carried out by a Federal agency under this Act that concerns an investment in a product, a service, construction, or any other project shall include an analysis of environmental and power reliability factors.

SEC. 7. STATE AND LOCAL GOVERNMENT INCENTIVES.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall establish a program for to make grants to State or local governments for the use of fuel cell technology in meeting energy requirements of the State or local governments, including the use of fuel cell technology as a source of power for motor vehicles.

(2) COST SHARING.—The Federal share of the cost of any project or activity funded with a grant under this section shall not exceed 90 percent.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $110,000,000 for each of fiscal years 2002 through 2006.

By Mr. DOMENICI (for himself and Mrs. HUTCHISON):

S. 884. A bill to improve port-of-entry infrastructure along the Southwest border of the United States, to establish grants to improve ports-of-entry facilities, to designate a port-of-entry as a port technology demonstration site, and for other purposes; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today to introduce the Southwest Border Port-of-Entry Infrastructure Improvement Act. The Southwest border region has been ignored for far too long, and as a result, has lagged behind the rest of the Nation in many areas. Poor health and environmental quality, inadequate infrastructure, and fewer technological and educational resources are common facts of life along much of the Southwest Border.

Last year, the U.S.-Mexico Border had a population of 12.6 million. By 2020, the region will have more than 21 million residents. That means that the southwest border region is growing at more than twice the national average and 40 percent faster than the U.S.'s fastest growing states.

And what has been the engine of this tremendous growth? Trade. When the North American Free Trade Agreement came into effect in 1994, U.S.-Mexico trade totaled $100 billion. In 1999 trade between the two countries accounted for $197 billion, a near doubling in only 5 years.

Unfortunately, we have failed to invest in the Southwest Border to accommodate this tremendous growth. In 1999, eighty-six percent of U.S-Mexico trade was transported across the border by trucks. Yet, rather than promote a system where trade can flourish, we have congested traffic lanes where drivers have to wait three even 5 hours before crossing the border.

These lines include all manner of people and industry, from a truck filled with auto parts en route to Detroit to hungry tourists wanting an authentic taco to service employees who live in Mexico and work in the United States. The effect of these unnecessary traffic backlogs is two-fold.

First, significant delays at our nation's ports-of-entry along the Southwest Border results in inefficient trade. This works at cross purposes with ''just in time delivery.''

A primary reason that U.S.-Mexico trade has increased so dramatically is that the border allows companies to benefit from ''just in time'' delivery. Using ''just in time,'' firms eliminate warehousing and preservation costs, resulting in lower prices and more efficient delivery.

Primary producers, intermediary companies, downstream retailers, and customers all rely on the timely delivery of goods and services. But huge backlogs makes ''just-in-time'' delivery more like delivery ''some time.'' When delivery times increase or are uncertain, associated costs increase for everyone down the product and user chain.

Second, long traffic backlogs detrimentally affect the people who live along the Southwest Border.

A study by the Environmental Protection Agency concluded that, ''the border's health conditions and risks * * * are among the most troubling and the most serious in the United States.

Health and environmental problems seem to be most prevalent in poverty stricken areas. The Southwest Border is one of the poorest regions in the nation. In fact, nearly 27 percent of New Mexico's Dona Ana County live below the poverty line, double the national average, and other counties along the border are even worse off. For example, 40 percent of Maverick County, Texas' population live below the poverty level.

We cannot continue to focus on the increased wealth the Nation enjoys from trade while ignoring the burden that trade imposes on border residents.

Long backlogs at ports-of-entry along the Southwest Border creates a substantial hardship on the people in the region. The EPA report concluded that the border disproportionately suffers from serious health threats due, in part, to airborne pollutants from vehicle emissions.

Increased trade means ever increasing vehicle emissions. A recent study by the North American Commission for Environmental Cooperation found that truck traffic increases 8.6 percent per year. An 8.6 percent increase means that by 2020, commodity truck flows will be 5.5 times greater than 1999 levels.

That study never considered the recent NAFTA arbitration panel ruling that the U.S.'s policy prohibiting Mexican trucks beyond twenty miles from the border violates the trade agreement.

I would like the U.S. to promote trade so that the entire Nation's economy continues to grow. Yet, we need to act pro-actively with foresight and responsible planning so that the Southwest Border infrastructure can adequately handle the projected and likely traffic increases.

I would like to see the engine that is our economy keep running. I just want that engine to run faster, quieter, and smoother. That's why I am introducing the Southwest Border Infrastructure Improvement Act.

This bill provides funds to improve our ports-of-entry and ensure efficient binational trade in the future.

Specifically, this bill directs the U.S. Customs Service to update the ''Ports of Entry Infrastructure Assessment Study'' within 6 months of enactment. Pursuant to the updated study, it provides $500 million to be spent over five years for the recommended improvements.

Second, this legislation recognizes our unique shared border and relationship with Mexico. It considers that a unilateral solution along a binational border is no solution at all.

Therefore, this bill establishes a $75 million grant fund for FY02 and other sums for 2003–2006 through the Department of Transportation for port-of-entry infrastructure improvements that would reduce negative environmental impacts, such as air pollution, associated with cross-border transportation.

The grant program will be administered by the North American Development Bank and certified by the Border Environment Cooperation Commission. Grant applicants must meet a dollar for dollar match requirement to receive grant funds.

Last, this bill recognizes that new technologies must be developed to facilitate future binational trade. Our current system of processing goods at ports is impractical, overly burdensome, and is a substantial factor in traffic backlogs.

In order to innovate more efficient processing systems, this legislation designates that a port-of-entry will serve as a site to demonstrate port technologies. The Customs Service will carry out a program to test and evaluate such new technologies. This bill provides $10 million for 2002 and other sums from 2003 through 2006 for that purpose.

The selected port must have sufficient space to conduct the demonstration program, have low traffic volume so that new technologies may be incorporated without interrupting normal processing activity, and have a relatively modern design.

The recent NAFTA arbitration panel ruling concerning the U.S.'s policy prohibiting Mexican trucks from entering the United States brings our infrastructure limitations to the forefront. It is imperative to improve the Southwest Border's inadequate infrastructure and design. We must act to ensure continued national growth while working to improve the health and environment of border residents.

By Mr. HUTCHINSON (for himself, Mr. CLELAND, and Mr. MILLER):

S. 885. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I am pleased today to be joined by Senator CLELAND of Georgia in introducing the Area Wage and Base Payment Improvement Act, which seeks to address Medicare payment inequities for rural and small hospitals so they may pay competitive wages to attract and retain health care personnel and provide quality health care.

We all know that the health care workforce is shrinking, both in its own right and relative to the growing patient population. This is illustrated by the nursing profession. The average age of nurses today is 43.3 years, and less than 10 percent of the current nurse workforce is below age 30. Unfortunately, many nurses are leaving the occupation because of low pay, excessive paperwork burdens, a lack of respect, and other consequences of being short-staffed, such as overly long shifts, mandatory overtime, and the stress of having too many patients under their care. The result is that very few new nurses are getting into the pipeline to replace those who have retired or left the profession. The nursing shortage is being felt in virtually every part of the country, but especially in rural areas, where it is hard for hospitals to recruit and retain qualified personnel. In my home State of Arkansas, where nearly every county is considered a medically underserved area, hospitals are reporting over 750 nurse vacancies, this says nothing of the other personnel shortages they are experiencing as well.

Such severe shortages in qualified health care personnel have ''nationalized'' the market for health care professionals, and historically low labor costs in rural and small urban areas have disappeared. Hospitals in these areas must compete with large urban hospitals for qualified workers and pay higher wages as a result. In some cases, rural hospitals are being forced to pay health care personnel even more than urban hospitals. For example, a nurse practitioner in rural Arkansas is paid $29.04 per hours on average, while the same nurse practitioner would be paid $28.22 per hour in an urban hospital.

The Area Wage and Base Payment Improvement Act would address this issue by establishing an area wage index floor of 0.925 in order to bring payments in areas with the lowest wage indexes up to just below the national average of 1.00. The wage index is intended to adjust Medicare hospital inpatient and outpatient payments to account for varying wage rates paid by hospitals for workers in different market areas across the country, but it has not been updated since 1997. In Arkansas, the area wage index for rural hospitals is as low as .7445. By creating an area wage index floor of .925, as many as 72 hospitals in Arkansas and 2,100 hospitals nationwide will see an increase in their Medicare payments and their ability to provide competitive wages for hospital labor.

The legislation we are introducing also makes an important change to the Medicare payment formula by increasing the Medicare inpatient prospective payment system, PPS, base amount for rural and small urban hospitals. This base payment is primarily intended to cover labor costs. Today, there are two different base payment amounts for hospitals paid under the Medicare PPS, hospitals in large urban areas receive a base payment of $4,197, while hospitals located in all other areas receive a lower amount of $4,130. This legislation will eliminate this disparity and create one base payment of $4,197 for all hospitals. Nationwide, 2,600 hospitals will benefit from this payment increase.

The Area Wage and Base Payment Improvement Act will provide critical payments to small and rural hospitals

striving to provide quality health care and put them on an equal footing with large urban hospitals in terms of competing for health care personnel. I urge my colleagues in the Senate to support this important, bipartisan 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:

S. 885

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 ''Area Wage and Base Payment Improvement Act''.

SEC. 2. ESTABLISHING A SINGLE STANDARDIZED AMOUNT UNDER MEDICARE INPATIENT HOSPITAL PPS.

(a) IN GENERAL.—Section 1886(d)(3)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(A)) is amended—

(1) in clause (iv), by inserting ''and ending on or before September 30, 2001,'' after ''October 1, 1995,''; and

(2) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively, and inserting after clause (iv) the following new clauses:

''(v) For discharges occurring in the fiscal year beginning on October 1, 2001, the average standardized amount for hospitals located in areas other than a large urban area shall be equal to the average standardized amount for hospitals located in a large urban area.

''(vi) For discharges occurring in a fiscal year beginning on or after October 1, 2002, the Secretary shall compute an average standardized amount for hospitals located in all areas within the United States equal to the average standardized amount computed under clause (v) or this clause for the previous fiscal year increased by the applicable percentage increase under subsection (b)(3)(B)(i) for the fiscal year involved.''.

(b) CONFORMING AMENDMENTS.—

(1) UPDATE FACTOR.—Section 1886(b)(3)(B)(i)(XVII) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XVII)) is amended by striking ''for hospitals in all areas,'' and inserting ''for hospitals located in a large urban area,''.

(2) COMPUTING DRG-SPECIFIC RATES.—

(A) IN GENERAL.—Section 1886(d)(3)(D) of such Act (42 U.S.C. 1395ww(d)(3)(D)) is amended—

(i) in the heading by striking ''IN DIFFERENT AREAS'';

(ii) in the matter preceding clause (i)—

(I) by inserting ''for fiscal years before fiscal year 1997'' before ''a regional DRG prospective payment rate for each region,''; and

(II) by striking ''each of which is'';

(iii) in clause (i)—

(I) by inserting ''for fiscal years before fiscal year 2002,'' after ''(i)''; and

(II) by striking ''and'' at the end;

(iv) in clause (ii)—

(I) by inserting ''for fiscal years before fiscal year 2002,'' after ''(ii)''; and

(II) by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following new clause:

''(iii) for a fiscal year beginning after fiscal year 2001, for hospitals located in all areas, to the product of—

''(I) the applicable average standardized amount (computed under subparagraph (A)), reduced under subparagraph (B), and adjusted or reduced under subparagraph (C) for the fiscal year; and

''(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.''.

(B) TECHNICAL CONFORMING SUNSET.—Section 1886(d)(3) of such Act (42 U.S.C. 1395ww(d)(3)) is amended in the matter preceding subparagraph (A) by inserting ''for fiscal years before fiscal year 1997'' before ''a regional DRG prospective payment rate''.

SEC. 3. FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT AND OUTPATIENT HOSPITAL SERVICES.

(a) INPATIENT PPS.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting ''(i) IN GENERAL.—'' before ''The Secretary'', and adjusting the margin two ems to the right;

(2) by striking ''The Secretary'' and inserting ''Subject to clause (ii), the Secretary''; and

(3) by adding at the end the following new clause:

''(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2001, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

''(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

''(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.''.

(b) OUTPATIENT PPS.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: ''For purposes of subparagraph (D) for items and services furnished on or after October 1, 2001, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.''.

Mr. CLELAND. Mr. President. I want to thank my distinguished colleague from Arkansas, Senator TIM HUTCHINSON, for his leadership on the Area Wage and Base Payment Improvement Act. I am very pleased to join Senator HUTCHINSON in this bipartisan measure to address Medicare inequities in the wage index for rural and community hospitals.

The severe shortage of nurses and other crucial health care workers has driven salaries higher to compete for these employees. The current Medicare wage index for rural areas reimburses at a lower rate which is based on 1997 data. In an increasingly competitive market for health care workers, rural area hospitals are in their ability to provide quality care.

Our proposal establishes a ''floor'' on the area wage index and will adjust Medicare inpatient and outpatient prospective payments (PPS) for rural and small metropolitan hospitals. By setting a floor on the area wage index of 0.925, our proposed correction would bring Medicare payments in areas with the lowest wage index up to just below the national average which is established at 1.00. The impact of the 0.925 floor is estimated to help more than 2100 mostly rural, but also some urban hospitals across the country.

This measure also increases the Medicare PPS base, of which a significant portion is to cover hospital labor costs. Today's competitive labor market has reduced the disparity in wages between large urban hospitals and rural and small metropolitan facilities. It makes sense that Medicare needs to move to one base payment for the inpatient PPS. The key issue here should be access to health care. For states like Georgia and Arkansas, with a large number of residents living in rural areas, the closing or downsizing of hospital beds because of out-of-date Medicare payment rates and insufficient health workers to provide safe care is creating a health care catastrophe.

Our measure is the companion bill to H.R. 1609. We urge our colleagues to support this bicameral, bipartisan effort to ensure access to rural and smaller metropolitan hospitals for Medicare beneficiaries.

By Mr. WELLSTONE:

S. 886. A bill to establish the Katie Poirer Abduction Emergency Fund, and for other purposes; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, last year in my home State, a talented, spirited young woman named Katie Poirier was abducted from the her job at a Carlton County convenience store. Within days of her disappearance, there was an enormous outpouring of community concern and support, with hundreds of volunteers helping local law enforcement search for Katie. Tragically, Katier's body was later recovered and a suspect arrested and tried for her murder.

The Poirier, Holmquist and Swanson cases in Minnesota, all involving abductions and homicides, demonstrate that resources and good information are absolutely crucial to successful law enforcement, particularly in our small towns and rural communities which are too often overlooked.

To that end, I am re-introducing legislation called ''Katie's Law,'' in honor of Katie Poirier, which will give rural law enforcement the assistance they need to deal with high profile, major crimes.

This legislation will establish a Federal ''Katie Poirier Abduction Emergency Fund'' to assist local and rural law enforcement agencies with the unanticipated expenses of major crimes. Second, it will provide grants to local and rural law enforcement agencies to integrate their identification technologies, or to establish systems that

work with the FBI's Integrated Automated Fingerprint Identification System, IAFIS. In many rural communities, this will cut down the time it takes to identify a violent suspect from two months to two hours.

There are hundreds of thousands adult and child abductions and homicides each year in rural counties. When a high profile, major crime occurs, like the Wetterling or Poirier abduction, local and rural law enforcement with small budgets are frequently overwhelmed by the financial demands these large cases make. The overwhelming hours and investigative demand can wipe out small budgets with expenses, including overtime pay, transporting witnesses and suspects if there is a change of trial venue, as occurred in the Poirier case, and other unanticipated costs.

As the sheriffs across my home State will tell you, the first 72 hours in an abduction case are the most critical. After that, the chances of locating the victim alive drop dramatically. No matter how short staffed or small the budget, law enforcement must put its pedal to the metal 100 percent after an abduction or homicide. It is crucial that rural law enforcement agencies with limited resources handling major crimes get the support they need from the State and Federal governments.

In Minnesota when a high profile case occurs, a joint task force is established between the Bureau of Criminal Apprehension, the FBI, and the local law enforcement agency. Sheriffs I have spoken with say the task force model is effective and extremely helpful. Yet, they still must cover many unanticipated expenses such as huge surges in overtime. Many of them just can't do it. As one sheriff said to my staff, ''I am running my agency on fumes, not gas. I've got nothing left.''

My bill would establish a Federal Abduction Emergency Fund to help small law enforcement agencies with expenses from high-profile, major crimes, including kidnaping and homicides. The Attorney General would make grants available to state agencies to distribute to local and rural law enforcement agencies in need. The total amount would be $10 million for each of three years.

Second, my legislation will provide local law enforcement officers with the resources to use the latest identification system to solve and prevent crime. Access to quality, accurate information in a timely fashion is of vital importance in that effort.

One of the best tools available is the FBI's IAFIS system. Since rural and local enforcement often do not have the funds to access the FBI's Integrated Automated Fingerprint Identification System, (IAFIS), they are at a disadvantage when trying to identify violent offenders.

State and local law enforcement organizations need to develop and upgrade their criminal information and identification systems, as well as integrate those systems with other jurisdictions. The Federal Government has invested billions in information and identification systems whose benefits will go largely unrealized unless local law enforcement receive the resources to be able to participate in these systems.

Unfortunately, there is a wide disparity between the criminal identification systems that are now available, and the ability of state and local law enforcement to use them. Many states, including Minnesota, have been developing systems which will allow, at a minimum, the most populous areas to link up to the FBI's IAFIS system. However, many small, rural localities are being left behind. This reduces the capacity of rural law enforcement to quickly verify the identity and criminal record of dangerous suspects in their custody.

Right now, in many rural counties, a sheriff's office may have to wait as long as two months to have a suspect positively identified. Access to FBI's IAFIS system would allow sheriffs like Ray Hunt to determine under two hours a suspect's identity who has an existing file with the FBI.

This legislation will be one step in bridging this gap. It will provide grants to states to assist local and rural law enforcement to intergrate information technologies or to establish systems that work with the FBI's. These funds may be used by local law enforcement agencies to integrate information systems with other jurisdictions, or for training, and maintenance and purchase of fingerprint identification technology. The total amount to be authorized is $20 million for each of three years.

''Katie's Law'' will be instrumental in ensuring that rural law enforcement is not left behind. I can never know how the Poirier and the other families really feel, the depth of their pain and the tremendous losses they have suffered. But, I do know how I feel—we must and can do more to safeguard our children and to support rural law enforcement prevent and solve violent crimes. I believe ''Katie's Law'' is an important step forward in that direction.

Mr. President, 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. 886

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 ''Katie's Law''.

SEC. 2. KATIE POIRIER ABDUCTION EMERGENCY FUND.

(a) ESTABLISHMENT OF ABDUCTION EMERGENCY FUND.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish the Katie Poirier Abduction Emergency Fund (referred to in this section as the ''fund'') to assist local and rural law enforcement agencies with expenses resulting from a crime, including an abduction or homicide, that results in extraordinary unanticipated costs to the agency because of the magnitude of the crime and the need to adequately respond with personnel and support.

(b) EMERGENCY GRANTS.—The Attorney General shall make grants to States to be distributed to local and rural law enforcement agencies as determined by the State.

(c) CRITERIA FOR GRANTS.—The Attorney General shall establish criteria for awarding grants under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 2002 through 2004.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM TO ASSIST LOCAL AND RURAL LAW ENFORCEMENT AGENCIES IN ESTABLISHING OR UPGRADING AN INTEGRATED APPROACH TO DEVELOP IDENTIFICATION TECHNOLOGIES AND SYSTEMS TO IMPROVE CRIMINAL IDENTIFICATION.

(a) IN GENERAL.—The Attorney General, through the Bureau of Justice Statistics of the Department of Justice, shall make grants to States which shall be used to assist local and rural law enforcement agencies in establishing or upgrading an integrated approach to develop identification technologies and systems to improve criminal identification.

(b) CRITERIA FOR GRANTS.—The Attorney General shall establish criteria for awarding grants under this section.

(c) USE OF GRANTS.—Grants under this section may be used by local and rural law enforcement agencies to integrate information technologies or to establish, develop, or upgrade automated fingerprint identification systems, including live scan and other automated systems to digitize fingerprints and communicate prints, that are compatible with standards established by the National Institute of Standards and Technology and interoperable with systems operated by States and the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of the fiscal years 2002 through 2004.

By Mr. WELLSTONE:

S. 887. A bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, I am introducing the Torture Victims Relief Act of 2001. This bill authorizes increased appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture. The bill authorizes the authorization levels for domestic treatment centers for victims of torture to $20 million for fiscal year 2002, double the $10 million amount currently authorized for fiscal year 2002 by the Torture Relief Re-authorization Act of 1999, and $25 million for fiscal year 2003 (an increase of $15 million over the current authorization) and establishes an authorization level of $30 million for fiscal year 2004.

Repressive governments frequently make use of torture to silence those who are defending human rights and democracy in their own country. Many

of these people have sought refuge in the United States. The additional funding provided in the Torture Relief Act of 2001 recognizes the debt we own to those courageous people who have made extraordinary sacrifices by speaking out for their principles.

We have come a long way in raising the awareness of torture and helping victims of torture since 1985 when the Center for Victims of Torture in Minnesota was founded and began its pioneering work with torture victims, but still much more needs to be done to stop this terrible practice.

In 1998, as an outgrowth of my work with the Center for Victims of Torture, I introduced the Torture Victims Relief Act. It was adopted by Congress and became law, PL 105–320. The legislation authorized the Department of Health and Human Services to support U.S. treatment programs for victims of torture. For Fiscal Year 2000, Congress appropriated $7.2 million. The implementing agency, the Office of Refugee Settlement, provided 16 grants with this appropriation. About twice that number applied for funding with a total request several times the available amount. For Fiscal Year 2001, Congress appropriated $10 million for this program, the authorized amount. It has become obvious that the program is significantly underfunded and requires the additional support provided by this legislation.

The funds will support treatment services to hundreds of victims each year in 23 treatment centers, located from New York to California and from Minnesota to Texas. The victims have suffered horrendous torture and as a consequence suffer from nightmares, anxiety attacks, flashbacks, depression and other mental health problems. With treatment they can become contributing members of our communities. Without treatment, victims potentially become burdens rather than contributors to our society.

Since adoption of TVRA, the number of treatment programs for victims of torture has more than doubled. The National Consortium of Torture Treatment Programs now include 23 organizations and others are seeking membership.

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. 887

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 ''Torture Victims Relief Act of 2001''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(b) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2002, 2003, and 2004, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers and programs for the treatment of victims of torture) $20,000,000 for fiscal year 2002, $25,000,000 for fiscal year 2003, and $30,000,000 for fiscal year 2004.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

By Mr. LIEBERMAN:

S. 888. A bill to amend the Internal Revenue Code of 1986 to provide assistance to students and families coping with the costs of higher education, and for other purposes; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, today I am pleased to introduce the College Tuition Assistance Act of 2001, a bill that will provide tax relief to middle and lower income American families struggling to pay the rising cost of college tuition for their children.

Last year, at my request, the Committee on Governmental Affairs held two days of hearings on the affordability of higher education. Those hearings showed that the price of college tuition continues to rise at a pace that exceeds the rate of inflation. In fact, the most recent data released by the College Board show that since 1980, both public and private four-year college tuitions have increased on average more than 115 percent over inflation. It's no wonder families are worried about their ability to afford a college education for their children, and about the student loan debt burden their children may have to bear after graduation. We should be worried too—ensuring that higher education is affordable is critical to our nation's ability to maintain its competitiveness in a global economy. Highly trained, skilled workers making good wages are the engine that powers our economy, both because of the work they do and the revenue they generate as both buyers and sellers of goods and services.

The College Tuition Assistance Act will help families in four key ways:

First, it will help them pay tuition expenses while students are in school, by increasing the value of the current Lifetime Learning Credit. Under my bill, while a student is in college, a family would be eligible for a tax credit or tax deduction worth as much as $2,800 toward the first $10,000 in tuition and fees they pay each year. In addition, the adjusted income levels at which individuals and families qualify for the credit are raised so that more families would be eligible to receive this credit.

Second, my bill would remove the requirement that Pell grants and other need-based government aid be subtracted from a family's eligible college expenses, allowing those families to qualify for some portion of the Lifetime Learning Credit. A problem under current law is that the value of need-based aid, such as a Pell grant, received by the child of a lower income family may reduce or even eliminate the family's eligibility for a tax credit based on tuition expenses. However, a recent study by the Congressionally-created Advisory Committee on Student Financial Assistance showed that, even after receiving need-based aid, students from low-income families have as much as $3,800 a year in ''unmet need,'' that is, college expenses that are not covered by assistance and which the family may be unable to afford. If families are permitted to subtract the value of their government aid from their eligible college expenses, they may qualify for the first time for the Lifetime Learning Credit and apply this money toward the costs of their college student's education. Without this help, many students from low-income families might not attend college; the Advisory Committee's report says that, because of the financial barriers, even the most highly qualified students from low-income families attend college at a rate that is 20 percent lower than equally qualified students from the wealthiest families. For less qualified students, this differential is nearly 40 percent.

Third, the costs of higher education continue to be a burden for many students even after graduation, as their student loans come due and they find a significant portion of their disposable income going to pay interest on these loans. Some graduates find that, even with their higher salary, they cannot afford many of the basic things they would like to acquire as adults, such as home or car purchases or even starting a new family. The College Tuition Assistance Act will expand the current tax law in three ways to provide more help offsetting the interest costs associated with repayment of student loans after graduation. This bill will remove the current five year limit on deductions of student loan interest, it will raise the adjusted income levels so more individuals and families can qualify for this deduction, and it will allow the deduction to be taken for each student in the family who owes interest on college loans.

Finally, studies repeatedly show that the purchasing power of the Pell grant itself has been significantly eroded. Recent reports issued by the College Board and the American Council on Education show that in academic year 1975–1976, the maximum Pell grant covered 78 percent of the price of attending a public four-year college; for the current academic year, the maximum grant is enough to cover only 39 percent of these costs. We must do a better job of funding this crucial assistance to low-income students. President Bush, during last year's campaign, pledged to increase the maximum Pell grant for first-year students to $5,100 from its current level of $3,300. While many experts do not support the notion of ''front-loading'' by increasing

aid only to first-year students, this was at least a significant proposed increase in Pell grant funding. The College Tuition Assistance Act will encourage meaningful increases in the maximum Pell grant by raising the authorization level for academic years 2001–2002 and 2002–2003 to $5,800.

A college degree is a basic necessity in our Innovation Economy and a family's financial status should not be the determining factor in whether a young person joins society with the advantages of higher education or not. I hope, with the support of my colleagues, that we can pass the College Tuition Assistance Act in order to ease the burden middle and lower income families and their children bear on their way to success.

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. 888

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''College Tuition Assistance Act of 2001''.

SEC. 2. DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

''SEC. 222. HIGHER EDUCATION EXPENSES.

''(a) ALLOWANCE OF DEDUCTION.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable dollar amount of the qualified tuition and related expenses paid by the taxpayer during the taxable year.

''(2) APPLICABLE DOLLAR AMOUNT.—The applicable dollar amount for any taxable year shall be determined as follows:

''Taxable year:	Applicable dollar amount:
2002	$5,000
2003 and thereafter	$10,000.

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—The amount determined under this paragraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $50,000 ($100,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined without regard to this section and sections 911, 931, and 933.

''(4) ADJUSTMENTS FOR INFLATION.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2001, the $50,000 and $100,000 amounts in paragraph (2)(A)(ii) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.

''(c) QUALIFIED TUITION AND RELATED EXPENSES.—For purposes of this section, the term 'qualified tuition and related expenses' has the meaning given such term by section 25A(f)(1) (determined with regard to section 25A(c)(2)(B)).

''(d) SPECIAL RULES.—

''(1) IDENTIFICATION REQUIREMENT.—No deduction shall be allowed under subsection (a) to a taxpayer with respect to the qualified tuition and related expenses of an individual unless the taxpayer includes the name and taxpayer identification number of such individual on the return of tax for the taxable year.

''(2) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction is allowable to the taxpayer under any other provision of this chapter unless the taxpayer irrevocably waives his right to the deduction of such expense under such other provision.

''(B) DENIAL OF DEDUCTION TO THE EXTENT CREDIT IS ELECTED.—No deduction shall be allowed under subsection (a) for a taxable year with respect to the qualified tuition and related expenses of an individual to the extent the taxpayer elects to have section 25A apply with respect to such expenses for such year.

''(C) DEPENDENTS.—No deduction shall be allowed under subsection (a) to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(D) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified tuition and related expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135 or 530(d)(2) for the taxable year.

''(3) LIMITATION ON TAXABLE YEAR OF DEDUCTION.—

''(A) IN GENERAL.—A deduction shall be allowed under subsection (a) for qualified tuition and related expenses for any taxable year only to the extent such expenses are in connection with enrollment at an institution of higher education during the taxable year.

''(B) CERTAIN PREPAYMENTS ALLOWED.—Subparagraph (A) shall not apply to qualified tuition and related expenses paid during a taxable year if such expenses are in connection with an academic term beginning during such taxable year or during the first 3 months of the next taxable year.

''(4) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS AND VETERANS BENEFITS.—The amount of qualified tuition and related expenses otherwise taken into account under subsection (a) with respect to the education of an individual shall be reduced (before the application of subsection (b)) by the sum of the amounts received with respect to such individual for the taxable year as—

''(A) a qualified scholarship which under section 117 is not includable in gross income,

''(B) an educational assistance allowance under chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or

''(C) a payment (other than a gift, bequest, devise, or inheritance within the meaning of section 102(a) or needs-based aid received under part A of title IV of the Higher Education Act of 1965) for educational expenses, or attributable to enrollment at an eligible educational institution, which is exempt from income taxation by any law of the United States.

''(5) NO DEDUCTION FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(6) NONRESIDENT ALIENS.—If the taxpayer is a nonresident alien individual for any portion of the taxable year, this section shall apply only if such individual is treated as a resident alien of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

''(7) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting.''.

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (17) the following:

''(18) HIGHER EDUCATION EXPENSES.—The deduction allowed by section 222.''.

(c) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 222 and inserting the following:

''Sec. 222. Higher education expenses.

''Sec. 223. Cross reference.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid after December 31, 2001 (in taxable years ending after such date), for education furnished in academic periods beginning after such date.

SEC. 3. EXPANSION OF LIFETIME LEARNING CREDIT.

(a) IN GENERAL.—Section 25A(c)(1) of the Internal Revenue Code of 1986 (relating to lifetime learning credit) is amended by striking ''20 percent'' and inserting ''28 percent''.

(b) INCREASE IN AGI LIMITS.—

(1) IN GENERAL.—Subsection (d) of section 25A of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) HOPE CREDIT.—

''(A) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a)(1) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $40,000 ($80,000 in the case of a joint return), bears to

''(ii) $10,000 ($20,000 in the case of a joint return).

''(2) LIFETIME LEARNING CREDIT.—

''(A) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a)(2) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to

the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $50,000 ($100,000 in the case of a joint return), bears to

''(ii) $10,000 ($20,000 in the case of a joint return).

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.''.

(2) CONFORMING AMENDMENT.—Section 25A(h)(2)(A) of such Code is amended by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)(B) and the $50,000 and $100,000 amounts in subsection (d)(2)(B)''.

(c) USE OF CERTAIN NEEDS-BASED AID FOR QUALIFIED EXPENSES.—Section 25A(g)(2)(C) of the Internal Revenue Code of 1986 (relating to adjustment for certain scholarships , etc.) is amended by inserting ''or needs-based aid received under part A of title IV of the Higher Education Act of 1965'' after ''section 102(a)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid after December 31, 2001 (in taxable years ending after such date), for education furnished in academic periods beginning after such date.

SEC. 4. EXPANSION OF STUDENT LOAN INTEREST DEDUCTION.

(a) PER STUDENT BASIS.—

(1) IN GENERAL.—Section 221(b)(1) of the Internal Revenue Code of 1986 (relating to maximum deduction) is amended by inserting ''with respect to qualified education loans of each eligible student'' after ''paragraph (2),''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to any loan interest paid after December 31, 2001, in taxable years ending after such date.

(b) ELIMINATION OF 60-MONTH LIMIT.—

(1) IN GENERAL.—Section 221 of the Internal Revenue Code of 1986 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) CONFORMING AMENDMENT.—Section 6050S(e) of such Code is amended by striking ''section 221(e)(1)'' and inserting ''section 221(d)(1)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any loan interest paid after December 31, 2001, in taxable years ending after such date.

(c) INCREASE IN INCOME LIMITATION.—

(1) IN GENERAL.—Section 221(b)(2)(B) of the Internal Revenue Code of 1986 (relating to amount of reduction) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $40,000 ($80,000 in the case of a joint return), bears to

''(ii) $15,000 ($20,000 in the case of a joint return).''.

(2) CONFORMING AMENDMENT.—Section 221(g)(1) of such Code is amended by striking ''$60,000'' and inserting ''$80,000''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after December 31, 2001.

SEC. 5. PELL GRANTS.

Section 401(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)(A)) is amended—

(1) in clause (iii), by striking ''$5,100'' and inserting ''$5,800''; and

(2) in clause (iv), by striking ''$5,400'' and inserting ''$5,800''.

By Mr. FRIST (for himself, Mr. BREAUX, and Mr. JEFFORDS):

S. 889. A bill to protect consumers in managed care plans and in other health coverage; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today on behalf of my colleagues Senator BREAUX and Senator JEFFORDS to introduce the Bipartisan Patients' Bill of Rights Act of 2001. This new, balanced patients' rights initiative truly represents a bipartisan breakthrough in this ongoing debate.

For over 5 years, we have been engaged in debate about how best to protect patients in managed care plans. The time for debate and discussion is over. We need to act and to move forward to make progress on this issue in this Congress.

The legislation we are introducing today is designed to do just that. It builds upon, incorporates, and refines the best ideas that have been put forth by both Republicans and Democrats over the past few years. I'd like to particularly acknowledge the work of Senator NICKLES, Senator KENNEDY, and Senator JEFFORDS. And of Representative NORWOOD, Representative DINGELL, Representative THOMAS, Representative BOEHNER, Representative SHADEGG, and Speaker HASTERT.

Importantly, the legislation we are introducing today meets the principles the President outlined earlier this year, and can be signed into law. Patients have waited far too long for these needed protections.

As a physician, I am particularly gratified that the legislation we are introducing is being supported by a wide range of groups representing physicians and providers, including the American College of Surgeons, the Society of Thoracic Surgeons, the American College of Cardiology, the American Society of Anesthesiologists, the American Society for Gastrointestinal Endoscopy, the American Society of Clinical Pathologists, the American Academy of Dermatology Association, the American Association of Orthopaedic Surgeons, the American Association of Neurological Surgeons, the American Urological Association, the American Society of Clinical Pathologists, the American College of Emergency Physicians, the American Society of Cataract and Refractive Surgery, the American Psychological Association, and the American Physical Therapy Association.

As others review the details of this legislation, I hope and expect that support will continue to grow.

Let me briefly outline the highlights of our legislation.

The Bipartisan Patients' Bill of Rights Act of 2001 protects all Americans in private health plans. At the same time, it gives deference to the states by allowing state managed care laws to continue in force so long as they are consistent with our principles.

The bill also includes a comprehensive set of patient protections. For example, it guarantees emergency coverage under a ''prudent layperson'' standard. It guarantees direct access for women to OB/GYNs, and allows patients to choose a pediatrician as their child's primary health care provider. The legislation also bans so-called ''gag clauses'' in health plan contracts; prohibits discrimination against health professionals based solely on their license, guarantees access to needed prescription drugs that are not part of a health plan's formulary; and contains many other important protections.

Because one of the best ways to improve our health care system is to make sure consumers are fully informed, the Bipartisan Patients' Bill of Rights Act of 2001 also requires health plans to disclose to enrollees extensive information about their health coverage, including providing information about the new Federal rights they will be guaranteed as a result of this legislation.

The heart of the legislation is a new, independent, impartial external medical review to make sure patients can get the care they need when they need it. The independent review in our bill will help ensure that qualified doctors, not health plans, will make medical decisions.

Importantly, the legislation includes new, expanded remedies to hold health plans accountable in federal court. As I have often said, litigation should be a last resort. But when patients have been harmed by a health plan delay or denial of care, or where a plan refuses to comply with an external review decision, patients should be allowed to enforce those rights in Federal court.

For the first time under our legislation, patients will be able to sue for monetary damages in federal court. Economic damages are unlimited. Noneconomic damages are capped at $500,000.

In addition, patients can go to court at any time to get the health benefits they need through injunctive relief if going through the internal or external review process would cause them irreparable harm.

While we provide important new federal legal rights, we do not preempt the progress states have made. Our bill expressly protects state HMO liability laws and state court jurisdiction over malpractice cases against HMOs where health plans are making ''treatment'' or ''health care delivery'' decisions.

During this time of rapidly rising health care costs, Congress must be extremely careful to protect employers who voluntarily sponsor health coverage for over one hundred million Americans from the increased risk of litigation simply for offering their employees coverage. Our bill accomplishes this by giving employers the statutory right to appoint insurance carriers or third-party administrators who are

making coverage decisions as ''designated decision makers'' who may be sued in federal court.

Finally, the Bipartisan Patients' Bill of Rights Act of 2001 ensures that treating physicians and health professionals are not subject to new, expanded liability. We make clear that doctors who are providing care or treatment directly to patients cannot be ''designated decision makers'' unless they agree in writing to do so and meet the bill's strict solvency and financial requirements.

Let me again thank my cosponsors, Senators BREAUX and JEFFORDS, for their hard work on this legislation. And let me also express my gratitude to the patient and provider groups who have endorsed our legislation.

I believe this legislation can gather even more support over time, and become a vehicle for breaking through the gridlock and partisan divisions that have prevented us from making progress during the past 5 years on this issue. I look forward to working with my colleagues to ensure that we pass a bill that the President can sign into law to guarantee patients the protections they need.

I ask unanimous consent that a summary of the legislation be printed in the RECORD.

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

BIPARTISAN PATIENTS' BILL OF RIGHTS ACT OF 2001—SUMMARY

Today, Senators Bill Frist (R–TN), John Breaux (D–LA), and James Jeffords (R–VT) introduced the first bipartisan managed care reform legislation in the 107th Congress that meets the patient protection principles outlined by President Bush in February of this year.

The ''Bipartisan Patients' Bill of Rights Act of 2001'' guarantees that all Americans covered by private health plans will be protected through a new comprehensive, common-sense set of patient protections guaranteed by federal law. This centrist proposal builds upon and incorporates the best elements of the patients' rights legislation developed during the past two Congresses by both Republicans and Democrats.

The Bipartisan Patients' Bill of Rights Act will ensure that all Americans covered by private health plans get the care they need and deserve by guaranteeing access to medical specialists, emergency care, needed prescription drugs, point-of-service coverage, and coverage for clinical trials. Patients will be guaranteed access to important information about their health coverage. Doctors, not health plans, will make medical decisions. And, for the first time, all Americans will be able to appeal health plan coverage denials to independent doctors to get rapid, unbiased decisions. Unlike other managed care reform proposals before Congress this year, the bipartisan Frist-Breaux-Jeffords bill will not unnecessarily drive up consumers' health care costs, threaten employers who do not make medical decisions with costly and unnecessary lawsuits, or add significant bureaucratic red tape to the private health care system.

All the protections in the Frist-Breaux-Jeffords bipartisan ''Patients' Bill of Rights Act'' apply to all 170 million Americans covered by private-sector group health plans, and fully-insured state and local government plans.

At the same time, the legislation recognizes that the federal government does not have all the answers. States will play the primary role in enforcing the bill's requirements with respect to health insurers and will have flexibility to apply for certification from the Secretary of Health and Human Services (HHS) that their laws are consistent with the patient protection requirements in the bill. A federal advisory board would evaluate state-passed consumer protections under this standard and make recommendations to the Secretary of HHS.

If a state does not have a law, or adopt a law, consistent with the new federal requirements, federal fall-back legislation would apply. In this case, the U.S. Department of Labor, DOL, would enforce the requirement for fully-insured group health plans, about 75 million people, and HHS would enforce the provision in the individual insurance market, about 22 million people, and for fully-insured state and local government plans, roughly 17 million people. DOL will enforce all the Act's provisions with respect to self-insured private group health plans (roughly 56 million people).

The Bipartisan Patients' Bill of Rights Act of 2001 includes a comprehensive set of commonsense protections to ensure that patients have access to the care, treatment, and information they need.

Patients can go the nearest hospital emergency room to get the emergency care they need regardless of whether the emergency room is in their health plan's network.

Employers that offer only closed panel health plans will be required to offer a point-of-service coverage options to their workers.

Health plans that offer obstetrician/gynecological services must provide women with direct access to an OB/GYN specialist for OB/GYN covered services.

Health plans must allow patients to choose a pediatrician as their child's primary health care provider.

When a health care provider is terminated or leaves a health plan's network, the plan must ensure that patients with serious and complex illnesses, and those who are receiving institutional care, may continue treatment with their health care provider for up to 90 days. Health plans also must guarantee that women can continue care with their OB/GYN through post-pregnancy care, and for the remainder of an individual's life in the case of a patient who is terminally ill.

Health plans that provide prescription drugs through a formulary must ensure that physicians and pharmacists help develop and review the formulary. They also must ensure that patients have access to medically-necessary prescription medications that are not part of the formulary.

Health plans must ensure that patients receive timely access to specialty medical care when needed. If a plan lacks an appropriate specialist within its network, the plan must guarantee access to a specialist outside the network at no additional cost to the patient.

Health plans are required to cover routine patient costs associated with participation in approved clinical trials for patients who have life-threatening or serious illnesses for which no standard treatment is effective.

Patients who need medical advice should not have to worry that their doctor will be prohibited by a health plan contract from discussing all possible treatment options. Therefore, the legislation bans so-called ''gag rules'' in providers' contracts and otherwise prevents health plans from restricting health care professionals from communicating with their patients about treatment options.

Health plans may not exclude doctors and other health professionals from providing services that are covered by the plan based solely on a health professional's license or certification.

Health plans must ensure inpatient coverage for the surgical treatment of breast cancer for a period of time determined by a doctor, in consultation with the patient.

Health plans must disclose the methods they use for compensating health care professionals and providers. In addition, a comprehensive study is authorized to determine the range of provider compensation methods and evaluate the effect of such methods on provider behavior.

Health plans are required, on an annual basis, to provide a wide range of information to enrollees about the plan's coverage, including detailed descriptions of benefits and cost-sharing requirements.

To ensure that patients' health care claims are handled fairly from the outset, the legislation contains new rules governing health plans' timing and handling of initial and internal claims. Plans are required to expedite determinations where appropriate.

The time frames are as follows: Routine Prior Authorization: 14 business days; Expedited Prior Authorization: 72 hours; Concurrent Review: 24 hours.

When health plans deny patients coverage based on a determination that the care is not medically necessary or appropriate, or that the treatment is experimental or investigational, or where a claim for coverage requires an evaluation of medical facts, the Bipartisan Patients' Bill of Rights Act guarantees patients access to timely independent medical review.

The legislation requires external medical review decisions to be made by physicians and health care professionals independent of the health plan who practice in a similar specialty as the physician or professional who recommended the care in the first place. In making a decision, independent medical reviewers must take into account all appropriate and available information, including scientific and clinical evidence. Determinations are to be made without deference to the plan's coverage decision and reviewers are not bound by the plan's definitions of medical necessity or experimental/investigational. Independent medical reviewers' decisions are binding on health plans; plans must provide coverage in accordance with the recommendations and time frames established by the independent medical reviewer.

If a plan fails to comply with the decision of an independent medical reviewer and a patient is harmed, the legislation provides new, expanded legal remedies to hold health plans accountable in federal court.

A new, exclusive federal legal remedy that provides monetary damages will be available to participants and beneficiaries in employer-sponsored health plans. This remedy is available when an external medical reviewer overturns the plan's decision and the patient is harmed because the plan failed to exercise ordinary care in complying with the external review decision. The new remedy also allows lawsuits in federal court when health plans fail to exercise ordinary care in denying coverage initially or upon internal review, resulting in a harmful delay of coverage.

Patients must exhaust the external review process before seeking damages in federal court. However, they may go to court at any time to receive injunctive relief, i.e., the court can require the health plan to approve needed care, if they demonstrate that exhausting internal or external review would cause irreparable harm. Patients who are harmed by a plan's failure to exercise ordinary care may receive unlimited economic damages in federal court. They also may be awarded non-economic damages up to $500,000.

At the same time, the legislation retains the current law distinction with respect to remedies in the areas that the courts have determined are traditional areas of state concern, such as the ''quality of health care'' and ''treatment'' standards. The bill respects and reinforces state court jurisdiction over quality of care and treatment claims by expressly stating that any harm resulting from treatment and health care delivery activities will continue to be subject to state law remedies.

When a patient files an appeal and the external reviewer determines that the appeal is not subject to independent medical review, a federal court may assess a civil penalty up to $100,000 when the denial causes substantial harm to the patient.

The Frist-Breaux-Jeffords legislation protects employers who do not make medical decisions from lawsuits. The legislation gives employers statutory authority to designate a party or parties, such as the insurance carrier or the third-party administrator that will have clear and exclusive authority to make determinations that give rise to legal causes of action. In a fully insured group health plan, this ''designated decision-maker'' is always the insurance carrier, unless the employer expressly takes back responsibility from the carrier. Designated decision-makers must demonstrate that they can fulfill their responsibilities, including financial obligations that stem from liability, by obtaining liability insurance or by meeting certain capital and surplus requirements.

The Frist-Breaux-Jeffords legislation also helps protect doctors and other health professionals from new, expanded federal liability by expressly providing that health care professionals who directly deliver care or treatment, or who provide services to patients, can not be sued for coverage decisions as designated decision-makers unless they expressly agree in writing to be the designated decision-maker and meet the bill's strict financial requirements. Further, insurance companies may not appoint treating health professionals as designated decision-makers under the bill.

Mr. JEFFORDS. Mr. President, today, I am pleased to join with Senators BILL FRIST and JOHN BREAUX in introducing the Bipartisan Patients' Bill of Rights Act of 2001, bipartisan managed care reform legislation that meets the patient protection principles outlined by President Bush for a bill he would sign into law. The President's strong support for our legislation is proof that he is providing the necessary leadership to bring Republicans and Democrats to the table to develop managed care protections for all Americans.

Some believe that the answer to improving our Nation's health care quality is to allow greater access to the State's tort system. However, you simply cannot sue your way to better health. Rather, we believe that patients must get the care they need when they need it. Under the Bipartisan Patient Bill of Rights patients have access to an independent external medical review process for denials of care. Decisions are made by practicing physicians or professionals, independent of the plan. Prevention, not litigation, is the best medicine.

A new Federal remedy that provides damages will be available to Americans in employer-sponsored health plans when an external review entity overturns the plan's decision and the patient is harmed. Employers who do not make medical decisions are protected from frivolous and unnecessary lawsuits by enabling them to legally designate a party that will have clear and exclusive authority to make coverage determinations.

Our Bipartisan Patients' Bill of Rights Act of 2001 has much in common with the managed care legislation introduced by Senators MCCAIN, EDWARDS and KENNEDY. They share provisions that provide new patient protections. Each provides for information to assist consumers in navigating the health care system. Most importantly, the bills provide for an internal and external independent review process with strong new remedies when the external view process fails. Our primary area of disagreement lies in the degree that employers are protected from multiple causes of action in multiple venues and the provision of a reasonable cap on damages.

Fortunately, I believe we can provide the key protections that consumers want at a minimal cost and without disruption of coverage, if we apply these protections responsibly and where they are needed, without adding significant new costs, increasing litigation, and micro-managing health plans.

Our goal is to give Americans the protections they want and need in a package that they can afford and that we can enact. This is why I believe the Bipartisan Patients' Bill of Rights Act of 2001 represents true managed care protections that can be signed into law.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. SCHUMER, Mr. DEWINE, and Mr. CARPER):

S. 890. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and to provide additional resources for gun crime enforcement; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to finally close what has become known as the ''gun show loophole'' and provide more resources to prosecute violations of gun laws. This bill, ''The Gun Show Loophole Closing and Gun Law Enforcement Act of 2001,'' stops criminals from evading a background check while respecting the rights of individuals who enjoy attending and purchasing firearms at public gun show events and helps puts criminals who use guns behind bars. I am pleased to have as cosponsors Senators LIEBERMAN, SCHUMER, DEWINE, and CARPER.

Since the Brady law went into effect, Federal law requires anyone buying a gun at a gun store to undergo a background check, but the law does not apply to private individuals selling guns, such as at gun shows. At gun shows, both licensed and unlicensed gun sellers offer guns for sale. At tables operated by licensed dealers, buyers must go through a background check; at tables operated by private sellers federal law requires no background check, and 32 states do not require such checks either.

Criminals and gun traffickers have figured this out. Gun shows are the second leading source of illegal guns recovered in gun trafficking investigations. According to a recent report by Americans for Gun Safety, ''the states that do not require background checks at gun shows are flooding the rest of the nation with crime guns.'' While 95 percent of buyers are cleared within two hours, the 5 percent who are not are 20 times more likely to be a prohibited purchaser. Background checks are an essential part of keeping guns from criminals and other prohibited individuals.

This gun show bill will require background checks at each of the 4,500 gun shows that occur every year. It does so in a way that is balanced and protects the rights of those who enjoy gun shows. It is the first gun safety legislation that is genuinely bipartisan and it is the only bill that creates real incentives for states to improve their criminal history records in order to make the National Instant Check System, NICS, faster and more accurate. And this bill contains no provisions that are designed to hurt legitimate gun show business.

This bill eliminates the confusing definition of previous bills and defines a gun show as any event where at least 75 guns are available for sale. This bill corrects a flaw in previous bills and excludes from background checks the sale of a gun either from the seller's home or to an immediate family member.

The sticking point in previous failed gun show bills was over the maximum time allowed to complete a background check: 3 business days, which is current law for licensed dealers, or a shorter time due to the transience of gun shows.

This bill creates an innovative compromise. For the first three years after the bill becomes law, it extends current law to gun shows: 3 business days. But after three years, states may apply for a waiver from the U.S. Attorney General to reduce the maximum wait to conclude a background check for sales between unlicensed individuals at gun shows to 24 hours, but only when that state has automated its records may a waiver be granted so that a shortened time period won't allow criminals and other illegal buyers to get guns. It creates accountability so that states can only receive this waiver when at least 95 percent of their disqualifying records dating back 30 years are computerized.

During the first three years, three business days is the maximum time it can take to run a check for unlicensed sellers. If, after those three business

days the buyer has not been denied, he or she can purchase the gun. It is not a waiting period; if you clear the system, you immediately get your gun. If, after three years, a state has sufficiently computerized their records, 24 hours is the new maximum time it can take to run a check for unlicensed sellers.

Background checks do not hurt gun show business in any way. For example, Pennsylvania currently requires background checks for all gun sales and hosts the second most gun shows in the Nation, hundreds every year. And unlike previous bills, this bill creates no new onerous reporting requirements for gun sales at gun shows but requires only the same paperwork required for gun sales from a licensed gun store.

This bill will reduce crime by providing for tougher enforcement of current gun laws. This bill adds new ATF agents and gun crime prosecutors, expands Project Exile, calls for more resources for gun tracing and more research into new ''smart gun'' technologies, and provides much needed money for states to automate their records.

Recently, the States of Oregon and Colorado overwhelmingly passed statewide referenda closing the gun show loophole. I wholeheartedly supported those efforts. Given the overwhelming support that the people of these two states provided to closing the gun show loophole, I think it is time that we have a national requirement for background checks for all sales at gun shows. In the end, it will require parity between gun stores and gun shows, help stop criminals from getting guns on the black market, reduce the interstate trafficking of guns, and will not harm gun show operators.

I do not view my stance on the gun show loophole as inconsistent with my twenty-year long Congressional voting record on gun-related issues. I will always be a strong defender of law-abiding Americans' Second Amendment rights, but with rights, come responsibilities. And we have a responsibility to help keep guns out of the hands of criminals while protecting the rights of honest, law-abiding citizens.

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. 890

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 ''Gun Show Loophole Closing and Gun Law Enforcement Act of 2001''.

TITLE I—GUN SHOW LOOPHOLE CLOSING ACT OF 2001

SEC. 101. SHORT TITLE.

This title may be cited as the ''Gun Show Loophole Closing Act of 2001''.

SEC. 102. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) SPECIAL FIREARMS EVENT.—The term 'special firearms event'—

''(A) means any event at which 75 or more firearms are offered or exhibited for sale or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) does not include an offer or exhibit of firearms for sale or exchange by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under sections 923 and 931.

''(36) SPECIAL FIREARMS EVENT FREQUENT OPERATOR.—The term 'special firearms event frequent operator' means any person who operates 2 or more special firearms events in a 6 month period.

''(37) SPECIAL FIREARMS EVENT INFREQUENT OPERATOR.—The term 'special firearms event infrequent operator' means any person who operates not more than 1 special firearms event in a 6 month period.

''(38) SPECIAL FIREARMS EVENT LICENSEE.—The term 'special firearms event licensee' means any person who has obtained and holds a valid license in compliance with section 931(d) and who is authorized to contact the national instant criminal background check system on behalf of another individual who is not licensed under this chapter for the purpose of conducting a background check for a potential firearms transfer at a special firearms event in accordance with section 931(c).

''(39) SPECIAL FIREARMS EVENT VENDOR.—The term 'special firearms event vendor' means any person who is not required to be licensed under section 923, who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a special firearms event, regardless of whether or not the person arranges with the special firearms event promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''.

SEC. 103. REGULATION OF FIREARMS TRANSFERS AT SPECIAL FIREARMS EVENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at special firearms events

''(a) SPECIAL FIREARMS EVENT OPERATORS.—

''(1) REGISTRATION OF SPECIAL FIREARMS EVENT OPERATORS.—

''(A) IN GENERAL.—It shall be unlawful for any person to operate a special firearms event unless that person registers with the Secretary in accordance with regulations promulgated by the Secretary.

''(B) FEES.—The Secretary shall be prohibited from imposing or collecting any fee from special firearms event operators in connection with the registration requirement in subparagraph (A).

''(2) RESPONSIBILITIES OF SPECIAL FIREARMS EVENTS FREQUENT OPERATORS.—It shall be unlawful for a special firearms events frequent operator to organize, plan, promote, or operate a special firearms event unless that operator—

''(A) has an annual operating license for special firearms events frequent operators issued by the Secretary pursuant to regulations promulgated by the Secretary;

''(B) not later than 30 days before commencement of the special firearms event, notifies the Secretary of the date, time, duration, and location of the special firearms event, the vendors planning to participate, and any other information concerning the special firearms event as the Secretary may require by regulation;

''(C) not later than 72 hours before commencement of the special firearms event, submits to the Secretary an updated list of all special firearms event vendors planning to participate, and any other information concerning such vendors as the Secretary may require by regulation;

''(D) before commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

''(E) before commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

''(i) a ledger with identifying information concerning the vendor; and

''(ii) a notice advising the vendor of the obligations of the vendor under this chapter;

''(F) notifies each person who attends the special firearms event of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe;

''(G) not later than 5 days after the last day of the special firearms event, submits to the Secretary a copy of the ledger and notice described in subparagraph (E); and

''(H) maintains a copy of the records described in subparagraphs (C) through (E) at the permanent place of business of the operator for such period of time and in such form as the Secretary shall require by regulation.

''(3) RESPONSIBILITIES OF SPECIAL FIREARMS EVENTS INFREQUENT OPERATORS.—It shall be unlawful for a special firearms event infrequent operator to organize, plan, promote, or operate a special firearms event unless that person—

''(A) not later that 30 days before commencement of the special firearms event, notifies the Secretary of the date, time, duration, and location of the special firearms event;

''(B) not later than 72 hours before commencement of the special firearms event, submits to the Secretary a list of all special firearms event vendors planning to participate in the special firearms event and any other information concerning such vendors as the Secretary may require by regulation;

''(C) before commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

''(D) before commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

''(i) a ledger with identifying information concerning the vendor; and

''(ii) a notice advising the vendor of the obligations of the vendor under this chapter;

''(E) notifies each person who attends the special firearms event of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe;

''(F) not later than 5 days after the last day of the special firearms event, submits to the Secretary a copy of the ledger and notice described in subparagraph (D); and

''(G) maintains a copy of the records described in subparagraphs (B) through (D) at the permanent place of business of the special firearms event promoter for such period

of time and in such form as the Secretary shall require by regulation.

''(b) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a special firearms event, or on the curtilage of the event, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee in accordance with subsection (c).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1) shall not—

''(A) transfer the firearm to the transferee until the licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee through which the transfer is made makes the notification described in subsection (c)(2)(A); or

''(B) transfer the firearm to the transferee if the person has been notified under subsection (c)(2)(B) that the transfer would violate section 922 or would violate State law.

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed special firearms event vendor.

''(c) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, licensed dealer, or special firearms event licensee who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (b) with respect to the transfer of a firearm shall—

''(1) except as provided in paragraph (2), comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor);

''(2) not later than 3 business days (meaning a day on which State offices are open), or if the event is held in a State that has been certified by the Attorney General under section 104 of the Gun Show Loophole Closing Act of 2001, not later than 24 hours (or 3 business days if additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General) notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of any response from the national criminal background check system, or if the licensee has had no response from the national criminal background check system within the time period set forth in paragraph (2), notify the nonlicensed transferor that no response has been received and that the transfer may proceed; and

''(B) of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(3) in the case of a transfer of 2 or more firearms on a single day to a person other than a licensee, prepare a report of the multiple transfers, which report shall be—

''(A) on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the multiple transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(4) comply with all record keeping requirements under this chapter.

''(d) SPECIAL FIREARMS EVENT LICENSE.—

''(1) IN GENERAL.—The Secretary shall issue a special firearms event license to a person who submits an application for a special firearms event license in accordance with this subsection.

''(2) APPLICATION.—The application required by paragraph (1) shall be approved if—

''(A) the applicant is 21 years of age or over;

''(B) the application includes a photograph and the fingerprints of the applicant;

''(C) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under subsection (g) or (n) of section 922;

''(D) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

''(E) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application; and

''(F) the applicant certifies that—

''(i) the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

''(ii) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

''(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.

''(3) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—On approval of an application as provided in this subsection and payment by the applicant of a fee of $200 for 3 years, and upon renewal of valid registration a fee of $90 for 3 years, the Secretary shall issue to the applicant an instant check registration, and advise the Attorney General of that registration.

''(B) NICS.—A special firearms licensee may contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for information about any individual desiring to obtain a firearm at a gun show from any special firearms event vendor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, during the 3-year period that begins with the date the registration is issued.

''(4) REQUIREMENTS.—The requirements for a special firearms event licensee shall not exceed the requirements for a licensed dealer and the record keeping requirements shall be the same.

''(5) RESTRICTIONS.—

''(A) BACKGROUND CHECKS.—A special firearms event licensee may have access to the national instant criminal background check system to conduct a background check only at a special firearms event and only on behalf of another person.

''(B) TRANSFER OF FIREARMS.—A special firearms event licensee shall not transfer a firearm at a special firearms event.

''(e) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the sale, offer for sale, transfer, or exchange of a firearm; and

''(2) does not include—

''(A) the mere exhibition of a firearm; or

''(B) the sale, transfer, or exchange of firearms between immediate family, including parents, children, siblings, grandparents, and grandchildren.''.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A)(i) Whoever knowingly violates section 931(a)(1) shall be—

''(I) fined under this title, imprisoned not more than 2 years, or both; and

''(II) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(ii) Whoever knowingly violates section 931(a)(2) shall be fined under this title, imprisoned not more than 5 years, or both.

''(iii) Whoever knowingly violates section 931(a)(3) shall be fined under this title, imprisoned not more than 2 years, or both.

''(B) Whoever knowingly violates section 931(b) shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever knowingly violates section 931(c) shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at special firearms events.''.

SEC. 104. OPTION FOR 24-HOUR BACKGROUND CHECKS AT SPECIAL FIREARMS EVENTS FOR STATES WITH COMPUTERIZED DISQUALIFYING RECORDS AND PROGRAMS TO IMPROVE STATE DATABASES.

(a) OPTION FOR 24-HOUR REQUIREMENT.—

(1) IN GENERAL.—Effective 3 years after the date of enactment of this Act, a State may apply to the Attorney General for certification of the 24-hour verification authority of that State.

(2) CERTIFICATION.—The Attorney General shall certify a State for 24-hour verification authority only upon a clear showing by the State that not less than 95 percent of all records containing information that would disqualify an individual under subsections (g) and (n) of section 922 of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(3) DISQUALIFYING INFORMATION.—Such disqualifying information shall include, at a minimum, the disqualifying records for that State going back 30 years from the date of application to the Attorney General for certification.

(4) 24-HOUR PROVISION.—Upon certification by the Attorney General, the 24-hour provision in section 931(c)(2) of title 18, United States Code, shall apply to the verification

process (for transfers between unlicensed persons) in that State unless additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General, in which case the 3 business day limit shall apply.

(5) ANNUAL REVIEW.—The Attorney General shall annually review and revoke for any State not in compliance the certification required in the amendment made by paragraph (1).

(b) PRIORITY.—The Attorney General shall give priority to background check requests at special firearms events made pursuant to section 931 of title 18, United States Code, as added by this Act.

(c) STUDY.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall identify and report to Congress the reasons for delays in background checks at the Federal and State levels and include recommendations for eliminating those delays.

(d) GRANT PROGRAM.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to States to assist in the computerization of the criminal conviction records and other disqualifying records of that State and with other issues facing States that want to apply for certification under section 104(a) of this title.

(2) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary for fiscal years 2002 through 2004 to carry out this subsection.

SEC. 105. INSPECTION AUTHORITY.

Section 923(g)(1)(B), of title 18, United States Code, is amended by striking ''or licensed dealer'' and inserting ''licensed dealer, or special firearms event operator''.

SEC. 106. INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.

Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, licensed collector, or special firearms event licensee who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 107. INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(2) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 108. RULE OF INTERPRETATION.

A provision of State law is not inconsistent with this title or an amendment made by this title if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this title or an amendment made by this title.

SEC. 109. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE II—GUN LAW ENFORCEMENT ACT OF 2001

SEC. 201. SHORT TITLE.

This title may be cited as the ''Gun Law Enforcement Act of 2001''.

SEC. 202. STATE AND LOCAL GUN CRIME PROSECUTORS.

(a) PURPOSE.—The purpose of this section is to—

(1) provide funding for State and local prosecutors to focus on gun prosecutions in high gun crime areas; and

(2) double funding for such programs from fiscal year 2001 to 2002.

(b) AUTHORIZATION.—There are authorized to be appropriated $150,000,000 for fiscal year 2002 to the Attorney General to provide grants to States and units of local government to support prosecutions in high gun crime areas by State and local prosecutors.

SEC. 203. NATIONAL PROJECT EXILE.

(a) PURPOSE.—The purpose of this section is to provide funding to replicate the success of the Project EXILE program.

(b) AUTHORIZATION.—There are authorized to be appropriated $20,000,000 for fiscal year 2002 to the Attorney General to provide for additional Assistant United States Attorneys to establish not to exceed 100 Project EXILE programs with local United States Attorneys and local jurisdictions.

(c) MEDIA AWARENESS.—From amounts authorized by subsection (b), the Attorney General may provide funds to participating local jurisdictions.

SEC. 204. FUNDING FOR ADDITIONAL ATF AGENTS.

There are authorized to be appropriated $18,000,000 for fiscal year 2002 to the Secretary of the Treasury for the purpose of funding the hiring of an additional 200 agents for the Bureau of Alcohol, Tobacco, and Firearms.

SEC. 205. GUN TRACING AND YOUTH CRIME GUN INTERDICTION.

There are authorized to be appropriated $20,000,000 for fiscal years 2002 through 2005 to the Secretary of the Treasury for the purpose of—

(1) funding additional resources for the Bureau of Alcohol, Tobacco, and Firearms to trace guns involved in gun crimes; and

(2) expanding the Youth Crime Gun Interdiction Initiative to 250 cities over the 4 years funding is authorized.

SEC. 206. SMART GUN TECHNOLOGY.

There are authorized to be appropriated $10,000,000 for fiscal year 2002 to the National Institute for Justice for the purpose of making grants to research entities developing technologies that limit the use of a gun to the owner.

SEC. 207. REPORT ON BRADY ENFORCEMENT.

Not later than February 1 of each year—

(1) the Attorney General shall report to Congress—

(A) the number of prosecutions resulting from background checks conducted pursuant to the Brady Handgun Violence Prevention Act;

(B) what barriers exist to prosecutions under that Act; and

(C) what steps could be taken to maximize prosecutions; and

(2) the Secretary of Treasury shall report to Congress—

(A) the number of investigations conducted pursuant to the Brady Handgun Violence Prevention Act;

(B) the number of investigations initiated but not pursued under that Act;

(C) the number of firearms retrieved as transferred in contravention of that Act; and

(D) what barriers exist to investigations under that Act.

Mr. LIEBERMAN. Mr. President, I am proud to join Senator MCCAIN, Senator DEWINE, Senator SCHUMER, and Senator CARPER in introducing this important legislation. This bill aims to build common ground on gun violence, a problem that has too often divided Members of Congress. And we are going to build that common ground on commonly held American values. As citizens of this great Democracy, we have rights and we have responsibilities. We have the right to own guns, but we have a responsibility not to sell them to criminals. That is the simple but important set of values on which the legislation we introduce today is founded.

For several decades, our nation has had a clear policy against allowing convicted felons to buy guns, because we know that mixing criminals and guns far too often yields violent results. Through the Brady law, we established what seems like an obvious corollary to that policy—a requirement that those selling guns determine whether someone trying to buy a firearm isn't supposed to get one before they sell it to them. The Brady law has been an enormous success. Since its enactment, background checks have kept well over half a million people who by law are not allowed to own guns from getting guns, saving an untold number of our citizens from the violence, injury or death the sale of many of these guns would have brought.

The Brady law, however, contained an unfortunate loophole that has since been exploited to allow convicted felons and other people who shouldn't own guns to evade the background check requirement by buying their guns at gun shows. The problem is that Brady applies only to Federal Firearms Licensees, so-called FFLs, people who are in the business of selling guns. Brady explicitly exempts from the background check requirement anyone ''who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.'' As a result, any person selling guns as a hobby or only occasionally, whether at a gun show, flea market or elsewhere, need not obtain a federal license and therefore has no obligation to conduct a background check. This means that any person wanting to avoid a background check can go to a gun show, find out which vendors are not FFLs, and buy a gun. And this is dangerous not only because it allows convicted felons and other prohibited persons to buy guns, but also because, in contrast to FFLs, non-FFLs have no obligation to keep records of the transaction, thereby depriving law enforcement of the ability to trace the gun if it later turns up at a crime scene.

Our bill will change that. We will make sure that no one will be able to buy a gun at a gun show without it

first being determined whether that person is a convicted felon or is a member of one of the other categories of people we all agree should not be allowed to buy guns.

Senator MCCAIN and I have heard the concerns expressed about past proposals to close the gun show loophole, and we have tried hard in our bill to make sure those concerns are addressed.

First, our bill has a simple definition of a gun show, an event where 75 or more guns are offered or exhibited for sale—and we make clear that that definition doesn't include sales from a private collection by nonlicensed sellers out of their homes.

Second, to respond to the argument that previous proposals made it too difficult for nonlicensed sellers to fulfill the background check requirement, our bill makes sure that nonlicensed sellers will have easy access to someone who can initiate background checks for them, by creating a new class of licensee whose sole purpose will be to initiate background checks at gun shows.

Third, we have tried to respond to those who say that a three-day check is too long for gun shows, because those events only last a couple of days. It is worth noting that the length allowed for the check doesn't affect the majority of gun purchasers, because 72 percent of checks are completed within 30 seconds and almost 95 percent are done within two hours. We have come up with a compromise that authorizes a State to move to a 24-hour check for nonlicensed dealers at gun shows—when the State can prove that a 24-hour check is feasible. A State can prove that by showing that 95 percent of the records that would disqualify people in that State from buying guns are computerized and searchable by the NICS system.

Now I know that there are many, including President Bush, who argue that what we need to solve the gun violence problem are not new laws but the enforcement of existing ones. I agree with part of that statement. Our bill authorizes significant increases in funding for a number of gun enforcement programs, including state and local gun crime prosecutors, Project Exile, additional ATF agents, gun tracing and smart gun technology. I am pleased that the President said yesterday that he supported a large chunk of what we are proposing today.

But I believe we must go farther than that, because we will never be able to enforce existing laws unless we close the loopholes in them that criminals exploit. And we all know that there is a big loophole in the provision saying that felons aren't supposed to buy guns, and that is that criminals know that if they go to a gun show, they will be able to avoid the background check that was set up to keep them from getting guns.

Gun crime remains a critical public safety problem. For too long, it has unnecessarily divided the Congress, and the American people have been left to suffer the violent consequences. But the reality is that most of us agree on most of the critical questions. We agree that the laws on the books should be enforced, that the rights of law-abiding gun owners should be protected, and that convicted felons shouldn't be able to get guns. The bill we are introducing today would write those principles into law. I hope all of my colleagues support it.

By Mr. DODD:

S. 891. A bill to amend the Truth in Lending Act with respect to extensions of credit to consumers under the age of 21; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise today to introduce legislation designed to help avoid the growing problem of credit card indebtedness.

This legislation is fairly straightforward. It would not prohibit people younger than 21 from obtaining a credit card. It simply requires that when issuing credit cards to persons under the age of 21, the issuers obtain an application that contains: 1. the signature of a parent, guardian, or other qualified individual willing to take financial responsibility for the debt; or 2. information indicating that the young person has a job or some means of repaying any credit extended; or 3. proof that applicant has completed a certified credit counseling course.

One of the most troubling developments in the hotly contested battle between credit card issuers to sign up new customers has been the aggressive way in which they have targeted people under the age of 21, particularly college students.

Solicitations to this age group have become more intense for a variety of reasons. First, it is one of the few market segments in which there are always new customers to go after; every year, 25 to 30 percent of undergraduates are fresh faces entering their first year of college.

Second, it is also an age group in which brand loyalty can be readily established. In the words of one major credit card issuer: ''We are in the relationship business, and we want to build relationships early on.'' In fact, most people hold on to their first credit card for up to 15 years.

Many, if not most, credit card issuers exercise prudence in issuing cards to young people. But some credit card issuers do not. They target vulnerable young people in our society and extend them large amounts of credit with little if any consideration to whether or not there is a reasonable expectation of repayment. As a result, more and more young people are falling into a financial hole from which they were unable to escape.

Experts estimate that the current economic downturn could force a record 1.5 million Americans into bankruptcy this year. About a third of them will be in their 20s and early 30s. According to the American Bankruptcy Institute, just five years ago, only 1 percent of personal bankruptcies filed were by those age 25 or younger. By 1998, that number had risen to nearly 5 percent.

Financial regulators, including the Federal Reserve Board and the Federal Deposit Insurance Corporation, have stated that loans made without consideration of the borrower's ability to repay constitutes an ''unsafe and unsound'' business practice. They have criticized such lending practices as ''imprudent.'' Thus, an economic downturn coupled with ''imprudent'' lending practices could have a devastating effect not only on credit card consumers, but on financial institutions, as well.

The business practices of many credit card companies on college campuses are extremely troubling. Some credit card issuers actively entice colleges and universities to help promote their products. According to University of Houston Professor Robert Manning, during the next five years, banks will pay the largest 250 universities nearly $1 billion annually for exclusive marketing rights on campus.

A recent ''60 Minutes II'' piece vividly illustrated the impact that credit card debt can have on college students. A crew form the show, on a major public university campus, and with the use of hidden cameras, filmed vendors pushing free T-shirts, hats, and other enticements with credit card applications. ''60 Minutes II'' revealed that this university is being paid $13 million over ten years by a credit card company for the right to have a presence on campus and use the university logo on its cards.

This public university is making money off students who use these credit cards, the report said. As part of the agreement, the university receives 0.4 percent of each purchase made with the cards. In a sense, this university has a vested interest in getting their students in as much debt as possible.

The ''60 Minutes II'' piece also told the story of one student, Sean Moyer, and his desperate attempts to handle massive credit card debt. This student's life began to spin out of control as the huge debts he racked up in just three years of college began to become, in his mind, insurmountable. As a result of mounting credit card debts, he was unable to get loans to go to law school like he dreamed, and his parents could not afford to pay his way. So in February 1998, Sean took his own life.

''It is obscene that the university is making money off the suffering of their students,'' said Sean Moyer's mother. Sean Moyer had 12 credit cards and more than $10,000 in debts when he committed suicide nearly three years ago, she related. He had two jobs: one at the library and another as a security guard at a local hotel, but he still could not pay his collectors, she said.

Even three years after her son's death, she still gets pre-approved credit

card offers in Sean's name from some of the same companies that he owed thousands of dollars. One company pre-approved Sean for a $100,000 credit line, she said.

Last Congress, I went to the main campus of the University of Connecticut to meet with student leaders about this issue; quite honestly, I was surprised at the amount of solicitations going on in the student union. I was even more surprised at the degree to which the students themselves were concerned about the constant barrage of offers they were receiving.

These offers seem very attractive. One student intern in my office received four solicitations in just two weeks, one promised ''eight cheap flights while you still have 18 weeks of vacation.'' Another promised a platinum card with what appeared to be a low interest rate, until one reads in the fine print that it applied only to balance transfers, not to the account overall. Only one of the four offered a brochure about credit terms but, in doing so, also offered a ''spring break sweepstakes.''

Last year, the Chicago Tribune reported that the average college freshman will receive 50 solicitations during their ''first few months'' at college. It further reported that ''college students get green-lighted for a line of credit that can reach more than $10,000, just on the strength of a signature and a student ID.''

There is a serious public policy question about whether people in this age bracket can be presumed to be able to make the sensible financial choices that are being forced upon them from this barrage of marketing.

While it is very difficult to get reliable information from credit card issuers about their marketing practices to people under the age of 21, the statistics that are available are disconcerting.

Nellie Mae, a major student loan provider in New England, conducted a recent survey of the students who had applied for student loans. It termed the results ''alarming.'' The study found: 78 percent of all undergraduate students have a least one credit card—up from 67 percent in 1998; of those students, the average credit card balance is $2,748, up from $1,879 in 1998; and 32 percent of undergraduates had four or more credit cards.

Some college administrators, bucking the trend to use credit card issuers as a source of income, have become so concerned that they have banned credit card companies from their campuses, and have even gone so far as to ban credit card advertisements from the campus bookstore. Recently, colleges around the nation, ranging from New York's SUNY Buffalo to Georgia Tech in Atlanta, have begun to ban the marketing of credit cards on their campuses.

Let me touch on an important component of this amendment—credit counseling. Much as we encourage children who reach driving age to take drivers' education courses to prevent automobile accidents, we should teach younger consumers the basics of credit to avoid financial wrecks. Educating our nation's youth about the responsibilities of financial management is critical, and we do not currently do a good enough job in this area.

While there is overwhelming evidence that student debt is skyrocketing, most surveys also show that this same group of consumers is woefully uninformed about basic credit card terms and issues.

According to the Jump$tart Coalition for Personal Financial Literacy, a nonprofit group which conducts an annual national survey on high school seniors' knowledge of personal finance, basic financial skills are even poorer today than they were three years ago.

I agree with those who argue that there are many millions of people under the age of 21 who hold full time jobs and are as deserving of credit as anyone over the age of 21. I also agree that students should continue to have access to credit and that we should not try to prohibit the market from making that credit available.

However, the period of time from 18 to 21 is an age of transition from adolescence to adulthood. As we do in many other places in the federal law, some extra care is needed to make sure that mistakes made from youthful inexperience do not haunt these young people for the rest of their lives.

Federal law already says that people under the age of 21 shouldn't drink alcohol. Our tax code makes the presumption that if someone is a full-time student under the age of 23, they are financially dependent on their parents or guardians.

Is it so much to ask that credit card issuers find out if someone under the age of 21 is financially capable of paying back the debt? Or that their parents are willing to assume financial responsibility? Or that they understand the nature and conditions of the debt they are incurring?

Many responsible credit card issuers already require this information in one form or another. Is it too much to ask that the entire credit card industry strive to meet their own best practices when it comes to our kids?

Providing fair access to credit is something I have fought for throughout my tenure in the United States Senate. And credit cards play a valuable role in assisting in their pursuit of the American dream. I do not believe that this legislation is either unduly burdensome on the credit card industry or unfair to people under the age of 21.

The fact of the matter is that excessive solicitations assume that if the young adult is unable to pay, they will be bailed out by their parents. Many times this means that parents must sacrifice other things in order to make sure that their child does not start out their adult life in a financial hole or with an ugly black mark on their credit history.

This measure is critical to ensuring that credit cards are both issued and used responsibly. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill, a letter of endorsement from Consumers Union, the Consumer Federation of America, and the U.S. Public Interest Research Group, as well as referenced newspaper articles be printed in the RECORD.

There being no objection, the bill and additional material were ordered to be printed in the RECORD, as follows:

S. 891

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 ''Underage Consumer Credit Protection Act of 2001''.

SEC. 2. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(6) APPLICATIONS FROM UNDERAGE CONSUMERS.—

''(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

''(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not attained the age of 21 as of the date of submission of the application shall require—

''(i) the signature of the parent, legal guardian, or spouse of the consumer, or any other individual having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21;

''(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account; or

''(iii) proof by the consumer that the consumer has completed a credit counseling course of instruction by a nonprofit budget and credit counseling agency approved by the Board for such purpose.

''(C) MINIMUM REQUIREMENTS FOR COUNSELING AGENCIES.—To be approved by the Board under subparagraph (B)(iii), a credit counseling agency shall, at a minimum—

''(i) be a nonprofit budget and credit counseling agency, the majority of the board of directors of which—

''(I) is not employed by the agency; and

''(II) will not directly or indirectly benefit financially from the outcome of a credit counseling session;

''(ii) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee; and

''(iii) provide trained counselors who receive no commissions or bonuses based on referrals, and demonstrate adequate experience and background in providing credit counseling.''.

SEC. 3. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(6) of the Truth in Lending Act, as added by this Act.

CONSUMER FEDERATION OF AMERICA

May 14, 2001.

DEAR SENATOR DODD: Consumers Union, the Consumer Federation of America, and U.S. Public Interest Research Group support the Underage Consumer Credit Protection Act of 2001 that addresses the growing problem of credit card debt among young Americans.

Your bill would require that a credit card issuer undertake reasonable steps to verify that students have the means to repay their credit card debts. In the alternative, a credit card could be issued to a student who completes a credit-counseling course. This is a reasonable approach—to protect the safety and soundness of financial institutions and help American's youth who every day face aggressive marketing tactics from the credit industry.

According to bank regulatory agencies, including the Federal Reserve Board and the Federal Deposit Insurance Corporation, making loans without any regard for the borrower's ability to repay, as card issuers do with college students, is ''unsafe and unsound.'' The regulators have criticized such lending practices as ''imprudent.'' The student loan corporation, Nellie Mae, said in a recent report that the increase in the number of students having a credit card includes students who would not have been given credit cards in past year, certainly not without a co-signer. The report also pointed to the need for counseling students at the front end—before the student obtains a credit card. Nellie Mae found that: Some students unwittingly accumulate credit card debt, not consciously planning ahead whether they can afford to borrow that sum, and not aware of the actual finance charges they will pay over time. Having a card doesn't necessarily indicate knowledge about the ramifications of borrowing in general; nor does it show that the student has evaluated the benefit and costs of borrowing with a credit card vs. other types of financing. Without assistance, these students may not have the know-how to borrow wisely on the front end.

The credit card industry has targeted America's youth with relentless marketing ploys and tactics that seem designed to drive those students into debt. According to Nellie Mae, more than 70 percent of undergraduates possess at least one credit card. The average debt for undergraduates who do not pay off their bill every month is more than $2,000. Many students end up dropping out of school under the weight of such debt. Congress should respond to this growing crisis on college campuses. And the problem could get worse as high school students are also receiving credit card offers.

Many colleges and universities not only permit aggressive credit card marketing on campus; they actually benefit financially from this marketing. Credit card issuers pay institutions for sponsorship of school programs, for support of student activities, for rental of on-campus solicitation tables, and for exclusive marketing agreements, such as college ''affinity'' cards.

Congress should require lending institutions to act in a safe and sound manner by verifying that the person to whom that credit card issuer is extending credit has the ability to repay. In the absence of acting in a safe and sound manner, the least that could be done is to give student's some of the tools that could be useful in avoiding financial trouble through credit counseling at the front end. The Senate should pass the Underage Consumer Credit Protection Act to preserve the soundness of our financial institutions and help America's youth handle the aggressive credit card industry practices.

FRANK TORRES,
Consumers Union.

TRAVIS PLUNKETT,
Consumer Federation of America.

ED MIERZWINSKI,
U.S. Public Interest Research Group.

[From the Chicago Tribune, May 7, 1999]

CHARGED WITH TEACHING YOUNG PEOPLE TO SAVE; EDUCATIONAL CAMPAIGN ATTEMPTS TO GIVE STUDENTS BASIC FINANCIAL SURVIVAL SKILLS, INCLUDING HANDLING CREDIT

(By Humberto Cruz)

It should come as no surprise. Forty percent of American students between the ages of 16 and 22 said they are likely to buy a pair of jeans or something similar they ''really'' like even if they are short of money.

And 22 percent would pay for it with a credit card.

But then, isn't that what they see their parents do? Deeper in debt then ever before, Americans owe a record $565 billion on credit cards, or more than $7,000 per balance-revolving household, based on figures from the Federal Reserve.

''We have an economy that encourages people to borrow and spend more than they have,'' said Dallas L. Salisbury, chairman and CEO of the American Savings Education Council in Washington, D.C.

Salisbury is talking about the barrage directed at all of us to spend, spend, spend. The enticing offers to sign up for home-equity loans greater than the value of our homes. The culture of instant gratification that demands that if you want something you get it now, and damn the consequences.

''We need to teach our kids very early on how skeptical they should be of this type of thing,'' Salisbury said. ''And how dangerous it is to get yourself buried in debt.''

Reaching young people is the goal for the coming year of the ''Facts on Savings and Investing'' campaign, launched in 1998 by a national partnership of government agencies, securities regulators and business, education and consumer groups.

''We asked ourselves what our priorities should be, and one thing that has come down loud and clear is the necessity to get many people to start saving early,'' said Salisbury, who is also president and CEO of the Employee Benefit Research Institute in Washington.

As part of the campaign, the savings council and the institute released a ''Youth & Money'' survey of 560 high school and 440 college students conducted by the research firm Mathew Greenwald & Associates.

The survey found that most students feel confident they understand financial matters. But their behavior suggests they don't know nearly as much as they think, and that many are falling into bad habits.

For example, less than half save at least something whenever they receive money or get paid, only 23 percent draw up a monthly budget and stick to it, and 28 percent of those with credit cards roll over debt month after month.

Perhaps more telling, one-fourth of the students who think they do a good job of managing their money do not think regular savings is a very high priority, when in fact it should be.

And 25 percent of the students with credit cards who say they do a good job of managing their money roll over debt every month, one of the worst financial habits anybody can have.

''One has to presume they are influenced just by watching their parents,'' Salisbury said. ''They end up 'learning' things they would be better off not to learn.''

But if parents can't or won't help, what is the solution? The survey showed an overwhelming majority of students, or 94 percent, go first to their parents for financial information and advice. Only 21 percent had taken a financial education course in school, although 62 percent had the chance to do so.

Among those who did, 41 percent said they began saving, 28 percent said they increased their savings, 28 percent said they invested their savings differently, and 19 percent said they developed a budget. The Youth & Money survey, however, questions whether the students actually changed their behavior as opposed to just saying they did.

Still, Salisbury is among a big majority of Americans—count me in, too—who believe financial education should be mandatory in high school. A recent nationwide survey by the National Council on Economic Education found that 96 percent of adults believe basic economics should be a required part of the high school curriculum.

Currently, 38 of the 50 states have adopted guidelines for teaching economics in high school, but only 16 mandate that schools offer a course and just 13 require that students take the course. Even in those states, more needs to be done, and is being done, to train teachers and incorporate more basic financial literacy concepts in the course.

''They all should do it,'' Salisbury said. ''If we require students to take English and to take history to graduate, we should require that they learn basic financial survival skills.''

If they all did, maybe the students could then educate their parents on the basics of budgeting and handling credit. Then saving and investing would not be a subject that 30 percent of parents never discuss with their children, according to the Youth & Money survey.

''What's most effective is for students to take what they learn in school about finance and discuss it with their parents,'' said Paul Yakoboski, director of research for the savings council.

TEENS ABLE TO CALCULATE HOW SAVINGS CAN ADD UP

Would you shell out $4,700 for a pair of sneakers? How about $2,800 for a computer game or $300 for a fast-food meal?

The sums may sound outlandishly high, but that is how much a 13-year-old could save if he invested for retirement, rather than spending $75 for a pair of sneakers, $45 for a computer game and $5 for a fast-food meal, according to ''AIE Savings Calculator,'' which was launched recently on the Web at www.investoreducation.org by the non-profit Alliance for Investor Education.

The calculator allows a child to enter his or her age, a typical purchase or any dollar amount, and then see how much the money might be worth if it was invested for 10 years, 25 years and to the age of retirement. The calculator is based on an 8 percent annual rate of growth, a stock market average in recent years.

[From USA Today, Feb. 13, 2001]

DEBT SMOTHERS YOUNG AMERICANS

(By Christine Dugas)

For many living in a world of easy credit, digging out of debt can become a way of life: 18- to 35-year-olds often live paycheck to paycheck, using credit for restaurant meals and high-tech toys. A news study says the average undergrad now owes $2,748 on credit cards.

As a freshman at the University of Houston in 1995, Jennifer Massey signed up for a credit card and got a free T-shirt. A year later, she had piled up about $20,000 on debt on 14 credit cards.

Paige Hall, 34, returned from her honeymoon in 1997 to find herself laid off from her

job at a mortgage company in Atlanta. She was out of work for 4 months. She and her husband, Kevin, soon were trying to figure out how to pay $18,200 in bills from their wedding, honeymoon and furnishings for their new home.

By the time Mistie Medendorp was 29, she had $10,000 in credit card debt and $12,000 in student loans.

Like no other generation, today's 18- to 35-year-olds have grown up with a culture of debt—a product of easy credit, a booming economy and expensive lifestyles.

They often live paycheck to paycheck and use credit cards and loans to finance restaurant meals, high-tech toys and new cars that they couldn't otherwise afford, according to market researchers, debt counselors and consumer advocates.

''Lenders are much more willing to take a risk on people under 25 than they were 15 years ago,'' says Nina Prikazsky, a vice president at student loan corporation Nellie Mae. ''They will give out credit cards based on a college student's expected ability to repay the bills.''

Young people are taking advantage of the offers. A study out today from Nellie Mae shows that the average credit card debt among undergraduate students increased by nearly $1,000 in the past two years. On average, they owed $2,748 last year, up from $1,879 in 1998.

At a time when they could be setting aside money for a down payment on a home, many young people are mortgaging their financial future. Instead of getting a head start on saving for retirement, they are spending years digging themselves out of debt.

''I knew for a while that I had a problem. I wouldn't say I was living high on the hog, but when I wanted clothes, I'd buy a new outfit,'' says Medendorp, an Atlanta resident. ''I'd go out to eat and charge it on my cards. There were a bunch of small expenses that added up and got out of control.''

Massey, Hall and Medendorp each ended up seeking help from a local consumer credit counseling service. Hundreds of thousands more young people like them are turning to credit counseling or bankruptcy because they can no longer juggle their bills.

In 1999 alone, an estimated 461,000 Americans younger than 35 sought protection from their creditors in bankruptcy, up from about 380,000 in 1991, according to Harvard Law School professor Elizabeth Warren, principal researcher in a national survey of debtors who filed for bankruptcy.

At the Consumer Credit Counseling Service of Greater Denver, more than half of all the clients are 18 to 35 years old, says Darrin Sandoval, director of operations. On average, they have 30% more debt than all other age groups, he says.

''By the time they begin to settle into a suburban lifestyle, they are barely able to meet their debt obligations,'' Sandoval says. ''If there is a job loss, an unexpected medical expense or the birth of a child, they supplement their income with credit cards. Soon they are being financially crushed.''

DEBT HEADS

Unlike the baby boom generation—raised by Depression-era parents—young Americans today are often unfazed by the amount of debt they carry.

''This generation has lived through a time when everything was on the upswing,'' says J. Walker Smith, president of Yankelovich Partners, a market research firm. ''There is no sense of worry about being over-leveraged. It all seems to work out.''

Kevin Jackson, a 32-year-old software engineer in Denver, has about $8,000 in credit card debt and a $20,000 home-equity loan. He doesn't believe he has a debt problem, though his goal is to reduce his credit card balance to $2,000.

''You learn to live with a certain amount of debt,'' he says. ''It's a means to an end. There is something to be said for paying for everything and something to be said for enjoying life, as long as you do it responsibly.''

Unfortunately, enjoying life can be expensive, especially for many young Americans who feel it is essential to have the latest high-tech products and services, such as a cellphone, pager, voice mail, a computer with a second phone line or a DSL connection, an Internet service provider and a Palm Pilot.

Jackson just bought a DVD player and a big-screen TV. ''I try to control costs,'' he says. ''I easily could have spent $5,000 on the TV, but instead I paid $2,000 and I got a one-year, no-interest deal.''

Movies, TV shows and advertising only reinforce the idea that young people are entitled to have an affluent lifestyle. ''We're encouraged to overspend,'' says Jason Anthony, 31, co-author of Debt-free by 30, a book he wrote with a friend after they found themselves drowning in debt.

''We all see shows like Melrose Place and Beverly Hills 90210. It creates tremendous pressure to keep up. I'm one of the few persons who think a recession will be good for my generation. Our expectations are so elevated. In the frenzy to keep up, we've gotten into financial trouble,'' he says.

THE PERILS OF PLASTIC

Consumers like Massey, who get bogged down in credit card debt before they even graduate from college, learn the hard way about managing money. Now 24 and married, Massey has a good job in marketing. She has cut up her credit cards and is gradually repaying her debts. However, there have been consequences: She had to explain to her boss that because she no longer has a credit card, she cannot travel for work if it involves renting a car or booking a hotel reservation on her own. She had to tell her husband about her debt problems before they were married.

''I lack confidence now,'' Massey says. ''I'm hard on myself because of my mistakes. But I blame the credit card companies and the university for allowing them to promote the cards on campus without educating students about credit.''

The percentage of undergraduate college students with a credit card jumped from 67% in 1998 to 78% last year, according to the Nellie Mae study. And many of them are filing their wallets with cards. Last year, 32% said they had four or more cards, up from 27% two years earlier.

Although graduate students have an even bigger appetite for credit, they are starting to show signs of restraint. Their average debt declined slightly from $4,925 in 1998 to $4,776 last year, Nellie Mae says.

Many young people will be saddled with credit card debts for years, experts say. Among all age groups, credit card holders younger than 35 are the least likely to pay their bills in full each month, according to Robert Manning, author of Credit Card Nation.

Though credit cards and uncontrolled spending are a combustible combination, many young people are pushed to the financial edge by the staggering cost of college. The average annual tuition at a four-year private university jumped to $16,332 last year from $7,207 in 1980, according to the College Board. Between 1991 and 2000, the average student loan burden among households under 35 inreased nearly 142% to $15,700, according to an exclusive analysis of the finances of 18- to 34-year-olds for USA TODAY by Claritas, a market research firm based in San Diego.

Those who choose to go on and get a graduate degree pay an even higher price. Another Nellie Mae study found that those who borrow for graduate work, and specifically those in expensive professional programs in law and medicine, are likely to have unusually high debt burdens that are not always offset by comparably high salaries.

Karen Mann didn't need a survey to come to that conclusion. Her husband, Michael, is about to start his career as an orthopedic surgeon after racking up $400,000 in loans during four years of undergraduate school, four years of medical school, one year in an MBA program and a 5-year residency program.

During his residency and a subsequent fellowship, payments and some of the interest on his student loan have been deferred. Soon they'll have to begin paying them off.

The interest payment alone is $20,000 a year.

The Manns are not extravagant, ''I've always saved, and I have a budget,'' says Karen, 31. ''I'd love to buy a house, but there's no way. We haven't been able to afford kids yet. The loans are so awesome that you do get crazy.''

PAYING FOR EVERYTHING WITH CASH

The Manns are not alone in having to defer important goals because of heavy debt loads. Medendorp, a social worker in Decatur, Ga., lives on a budget and is diligently paying her bills with the help of a Consumer Credit Counseling Service debt-management plan. She pays for everything with cash. There are many things she'd like to do but can't afford, such as having laser eye surgery, going back to school and buying a home.

''When you get in a tar pit, forget about buying a home,'' author Anthony says. ''Instead of saving for a down payment, you're making credit card payments.''

At a time when the overall U.S. homeownership rate has risen to historic highs, young Americans are less likely than people their age 10 years ago to buy a home. The homeownership rate for heads of households younger than 35 had declined from 41.2% in 1982 to 39.7% in 1999, according to the Census Bureau. And if they own a home, young people tend to make smaller down payments or borrow against what equity they have. As a result, the average amount of equity accumulated by homeowners younger than 35 has shrunk to about $49,200 in 1999, from $57,100 10 years earlier, according to a study from the Consumer Federation of America.

''For middle-income Americans, the most important form of private savings is home equity,'' says Stephen Brobeck, executive director of the Consumer Federation of America. ''It's essential to have paid off a mortgage by retirement so that living expenses are lower and one has an asset that can be borrowed on or sold if necessary.''

By almost every measure, young people are falling behind. Between 1995 and 1998, the median net worth of families rose for all age groups except for the under-35 group. Their median net worth declined from $12,700 to $9,000, according to the Federal Reserve.

That is not to say that young people today are slackers and deadbeats, as they have sometimes been characterized. Many work hard and often make good incomes. Although they may have a lot of debt, they also are very focused on saving and investing, especially through 401(k)-type retirement accounts. Jackson, for example, contributes the maximum to his 401(k) plan.

''They want to protect themselves against future uncertainty,'' Smith says. ''They absolutely don't expect that Social Security will be around for them.''

But it's hard to save money if you are head over heels in debt. Massey earns $32,000 a

year. With her husband, their annual income is more than $100,000. ''But we're still broke trying to pay our bills,'' she says.

By Mr. HARKIN:

S. 892. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels of fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

Mr. HARKIN. Mr. President, I am introducing today legislation designed to address the extensive problems that have been caused by the gasoline additive methyl tertiary butyl ether, MTBE, to make appropriate revisions to the reformulated gasoline, RFG, program in the Clean Air Act, and to increase greatly the use of renewable motor vehicle fuels. The bill is similar to legislation I introduced in the previous Congress.

We have to get MTBE out of our gasoline. This is absolutely clear. Even in Iowa, where we are not required to have oxygenated fuels or RFG, a recent survey found a surprising level of water contamination with MTBE. So my legislation requires a phased reduction in the use of MTBE in motor fuel and then a prohibition of MTBE in fuel or fuel additives beginning three years after enactment.

My legislation recognizes the benefits that have been provided by the oxygen content requirement in the reformulated gasoline program. Oxygen added to gasoline reduces emissions of carbon monoxide, toxic compounds and fine particulate matter. So my legislation continues the oxygen content requirement, but it would allow, in certain circumstances upon a proper showing, averaging of the oxygen content requirement over a period of time up to a year.

The legislation also ensures that all health benefits of the reformulated gasoline program are maintained and improved, and includes very strong provisions to ensure that there is no backsliding in air quality and health benefits from cleaner burning reformulated gasoline. The petroleum companies would also be prohibited from taking the pollutants from gasoline in some areas and putting them back into gasoline in other areas of the country that are not subject to the more stringent air quality standards. Those are referred to as the anti-dumping protections. My bill places tighter restrictions on highly polluting aromatic and olefin content of reformulated gasoline.

My legislation also recognizes the important role of renewable fuels in improving our environment, building energy security for out nation, and increasing farm income, economic growth and job creation, especially in rural areas. The legislation creates a national renewable content requirement for motor vehicle fuel. The requirement would not be a mandate that any particular user of gasoline or diesel fuel has to use the renewable fuel, but it would require the petroleum industry to ensure that renewable fuels make up a certain minimum percentage of the total U.S. supply of motor vehicle fuel, gasoline and diesel fuel. By 2011, that percentage would be about 5 percent on a volume basis, 3.3 percent based on energy content or approximately 10 billion gallons based on current estimates of gasoline and diesel consumption.

Overall, this legislation will get MTBE out of gasoline, maintain and improve the air quality and health benefits of the reformulated gasoline program and the Clean Air Act, and put our nation on a solid path toward greater use of renewable fuels.

I urge my colleagues to support this important 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:

S. 892

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 ''Clean and Renewable Fuels Act of 2001''.

SEC. 2. USE AND CLEANUP OF METHYL TERTIARY BUTYL ETHER.

(a) IN GENERAL.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

''(5) PROHIBITION ON METHYL TERTIARY BUTYL ETHER AND OTHER ETHER COMPOUNDS.—

''(A) SPECIFIED NONATTAINMENT AREAS.—

''(i) IN GENERAL.—Effective beginning January 1, 2002, a person shall not sell or dispense to ultimate consumers any fuel or fuel additive containing methyl tertiary butyl ether in an area of the United States other than an area described in clause (ii).

''(ii) AREAS.—An area described in this clause is an area that is a specified nonattainment area—

''(I) that is required to meet the oxygen content requirement for reformulated gasoline established under subsection (k); and

''(II) in which methyl tertiary butyl ether was used to meet the oxygen content requirement before January 1, 2001.

''(B) INTERIM PERIOD OF USE OF MTBE IN A FUEL OR FUEL ADDITIVE.—

''(i) PHASED REDUCTION.—

''(I) IN GENERAL.—The Administrator shall promulgate regulations to require—

''(aa) during the 1-year period beginning on the date that is 1 year after the date of enactment of this paragraph, a ⅓ reduction in the quantity of methyl tertiary butyl ether that may be sold or dispensed for use in a fuel or fuel additive;

''(bb) during the 1-year period beginning on the date that is 2 years after the date of enactment of this paragraph, a ⅔ reduction in the quantity of methyl tertiary butyl ether that may be sold or dispensed for use in a fuel or fuel additive; and

''(cc) that in no area does the quantity of methyl tertiary butyl ether sold or dispensed for use in a fuel or fuel additive increase.

''(II) BASIS FOR REDUCTIONS.—Reductions under subclause (I) shall be based on the quantity of methyl tertiary butyl ether sold or dispensed for use in a fuel or fuel additive in the United States during the 1-year period ending on the date of enactment of this paragraph.

''(III) EQUITABLE TREATMENT.—The regulations promulgated by the Administrator under subclause (I) shall, to the maximum extent practicable, provide equitable treatment—

''(aa) on a geographical basis; and

''(bb) among fuel manufacturers, refiners, distributors, and retailers.

''(IV) TRADING OF AUTHORIZATIONS TO SELL OR DISPENSE MTBE.—To facilitate the most orderly and efficient reduction in the use of methyl tertiary butyl ether in a fuel or fuel additive, the regulations promulgated by the Administrator under subclause (I) may allow for persons subject to the regulations to sell to and purchase from each other authorizations to sell or dispense methyl tertiary butyl ether for use in a fuel or fuel additive.

''(ii) LABELING.—

''(I) IN GENERAL.—The Administrator shall promulgate regulations that require any person selling or dispensing gasoline that contains methyl tertiary butyl ether at retail prominently to label the gasoline dispensing system for the gasoline with a notice—

''(aa) stating that the gasoline contains methyl tertiary butyl ether; and

''(bb) providing such information concerning the human health and environmental risks associated with methyl tertiary butyl ether as the Administrator determines to be appropriate.

''(II) PERIOD OF EFFECTIVENESS.—The regulations promulgated under subclause (I) shall be effective during the period—

''(aa) beginning as soon as practicable, but not later than 60 days, after the date of enactment of this paragraph; and

''(bb) ending on the date that is 3 years after the date of enactment of this paragraph.

''(C) PROHIBITION ON USE OF MTBE IN A FUEL OR FUEL ADDITIVE.—Effective beginning on the date that is 3 years after the date of enactment of this paragraph, a person shall not manufacture, introduce into commerce, offer for sale, sell, or dispense a fuel or fuel additive containing methyl tertiary butyl ether or any other ether compound.

''(D) WAIVER.—The Administrator may by regulation waive the prohibition under subparagraph (C) with respect to an ether compound other than methyl tertiary butyl ether if the Administrator determines that the use of the ether compound in a fuel or fuel additive will not pose a significant risk to human health or the environment.

''(E) AREAS OF MTBE CONTAMINATION.—If the Administrator finds that methyl tertiary butyl ether is contaminating or posing a substantial risk of contamination of soil, ground water, or surface water in an area, the Administrator may take such action as is necessary to protect human health and the environment in the area, including requiring a more rapid reduction (including immediate termination) of the quantity of methyl tertiary butyl ether sold or dispensed for use in a fuel or fuel additive in the area than required under subparagraph (A) or (B).

''(F) STATE AUTHORITY TO REGULATE MTBE.—Notwithstanding any other provision of law, a State may impose such restrictions, including a prohibition, on the manufacture, sale, or use of methyl tertiary butyl ether in a fuel or fuel additive as the State determines to be appropriate to protect human health and the environment.''.

(b) REMEDIAL ACTION CONCERNING MTBE CONTAMINATION.—

(1) UNDERGROUND STORAGE TANKS.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended by striking paragraph (3) and inserting the following:

''(3) PRIORITY.—In carrying out a corrective action under this subsection, or in issuing an order that requires an owner or operator to carry out a corrective action under this subsection, the Administrator (or

a State under paragraph (7)) shall give priority to a release of petroleum from an underground storage tank that poses the greatest threat to human health, human welfare, and the environment.''.

(2) CLEANUP GUIDELINES.—Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j–1) is amended by adding at the end the following:

''(f) CLEANUP GUIDELINES FOR MTBE.—

''(1) IN GENERAL.—The Administrator—

''(A) shall develop technical guidelines to assist States, local governments, private landowners, and other interested parties in the investigation and cleanup of methyl tertiary butyl ether in soil or ground water; and

''(B) may enter into cooperative agreements with the United States Geological Survey, the Department of Agriculture, States, local governments, private landowners, and other interested parties—

''(i) to establish voluntary pilot projects for the cleanup of methyl tertiary butyl ether and the protection of private wells from contamination by methyl tertiary butyl ether; and

''(ii) to provide technical assistance in carrying out such projects.

''(2) PRIVATE WELLS.—This subsection does not authorize the issuance of guidance or regulations concerning the use or protection of private wells.''.

(3) STATE SOURCE WATER ASSESSMENT PROGRAMS.—Section 1453(a) of the Safe Drinking Water Act (42 U.S.C. 300j–13(a)) is amended by adding at the end the following:

''(8) MTBE CONTAMINATION.—

''(A) IN GENERAL.—The Administrator shall amend the guidance under this subsection to require that State source water assessment programs be revised to give high priority to ground water areas and aquifers that have been contaminated, or are most vulnerable to contamination, by methyl tertiary butyl ether.

''(B) APPROVAL OF REVISIONS.—Each revision under subparagraph (A) shall be submitted and approved or disapproved by the Administrator in accordance with the schedule described in paragraph (3).''.

SEC. 3. OXYGEN CONTENT REQUIREMENT UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) in the first sentence—

(A) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,''; and

(B) by inserting before the period at the end the following: ''and opt-in areas under paragraph (6)'';

(2) in the second sentence—

(A) by inserting ''and other'' after ''volatile organic''; and

(B) by inserting ''and precursors of toxic air pollutants'' after ''toxic air pollutants''; and

(3) by adding at the end the following:

''(B) WAIVER OF PER-GALLON OXYGEN CONTENT REQUIREMENT.—

''(i) PROCEDURE FOR SUBMISSION OF PETITIONS.—The Administrator shall promulgate regulations that establish a procedure providing for the submission of petitions for—

''(I) a waiver, with respect to an area, of any per-gallon oxygen content requirement established under paragraph (2)(B) or (3)(A)(v); and

''(II) the averaging, with respect to an area, of the oxygen content requirement established under paragraphs (2)(B) and (3)(A)(v) over such period of time, not to exceed 1 year, as is determined appropriate by the Administrator.

''(ii) CRITERIA FOR GRANTING OF PETITIONS.—After consultation with the Secretary of Energy and the Secretary of Agriculture, the Administrator shall grant a petition submitted under clause (i) if the Administrator finds that granting the petition is necessary—

''(I) to avoid a shortage or disruption in supply of reformulated gasoline;

''(II) to avoid the payment by consumers of excessive prices for reformulated gasoline; or

''(III) to facilitate the attainment by an area of a national primary ambient air quality standard.

''(iii) MAINTENANCE OF HUMAN HEALTH AND ENVIRONMENTAL BENEFITS.—The regulations promulgated under clause (i) shall ensure that the human health and environmental benefits of reformulated gasoline are fully maintained during the period of any waiver of a per-gallon oxygen content requirement.''.

SEC. 4. LIMITATIONS ON AROMATICS AND OLEFINS IN REFORMULATED GASOLINE.

Section 211(k)(3)(A) of the Clean Air Act (42 U.S.C. 7545(k)(3)(A)) is amended—

(1) by striking clause (ii) and inserting the following:

''(ii) AROMATICS.—

''(I) IN GENERAL.—The aromatic hydrocarbon content of the reformulated gasoline shall not exceed 22 percent by volume.

''(II) AVERAGE.—The average aromatic hydrocarbon content of the reformulated gasoline shall not exceed the average aromatic hydrocarbon content of reformulated gasoline sold in covered areas for use in baseline vehicles when using reformulated gasoline during either calendar year 1999 or calendar year 2000.

''(III) MAXIMUM PER GALLON.—No gallon of reformulated gasoline shall have an aromatic hydrocarbon content in excess of 30 percent.''; and

(2) by adding at the end the following:

''(vi) OLEFINS.—

''(I) IN GENERAL.—The olefin content of the reformulated gasoline shall not exceed 8 percent by volume.

''(II) AVERAGE.—The average olefin content of the reformulated gasoline shall not exceed the average olefin content of reformulated gasoline sold in covered areas for use in baseline vehicles when using reformulated gasoline during either calendar year 1999 or calendar year 2000.

''(III) MAXIMUM PER GALLON.—No gallon of reformulated gasoline shall have an olefin content in excess of 10 percent.''.

SEC. 5. MODIFICATION OF PERFORMANCE STANDARDS.

Section 211(k)(3)(B) of the Clean Air Act (42 U.S.C. 7545(k)(3)(B)) is amended—

(1) in the last sentence of clause (i), by inserting before the period at the end the following: '', and, to the maximum extent practicable using available science, determined on the basis of the ozone-forming potential of volatile organic compounds and taking into account the effect on ozone formation of reducing carbon monoxide emissions''; and

(2) in clause (ii)—

(A) in the first sentence, by inserting '', or precursors of toxic air pollutants,'' after ''toxic air pollutants'' each place it appears;

(B) in the second sentence, by inserting before the period at the end the following: '', or precursors of toxic air pollutants'';

(C) in the third sentence, by inserting '', or precursors,'' after ''such air pollutants''; and

(D) in the last sentence, by inserting before the period at the end the following: '', and, to the maximum extent practicable using available science, determined on the basis of the relative toxicity or carcinogenic potency, whichever is more protective of human health and the environment''.

SEC. 6. ANTI-BACKSLIDING.

(a) IN GENERAL.—Section 211(k)(3)(B) of the Clean Air Act (42 U.S.C. 7545(k)(3)(B)) is amended—

(1) in the last sentence, by striking ''Any reduction'' and inserting the following:

''(iii) TREATMENT OF GREATER REDUCTIONS.—Any reduction''; and

(2) by adding at the end the following:

''(iv) ANTI-BACKSLIDING PROVISION.—

''(I) IN GENERAL.—Not later than October 1, 2001, the Administrator shall revise performance standards under this subparagraph as necessary to ensure that—

''(aa) the ozone-forming potential, taking into account all ozone precursors (including volatile organic compounds, oxides of nitrogen, and carbon monoxide), of the aggregate emissions during the high ozone season (as determined by the Administrator) from baseline vehicles when using reformulated gasoline does not exceed the ozone-forming potential of the aggregate emissions during the high ozone season from baseline vehicles when using reformulated gasoline that complies with the regulations that were in effect on January 1, 2000, and were applicable to reformulated gasoline sold in calendar year 2000 and subsequent calendar years; and

''(bb) the aggregate emissions of the pollutants specified in subclause (II), or precursors of those pollutants, from baseline vehicles when using reformulated gasoline do not exceed the aggregate emissions of those pollutants, or precursors, from baseline vehicles when using reformulated gasoline that complies with the regulations that were in effect on January 1, 2000, and were applicable to reformulated gasolines sold in calendar year 2000 and subsequent calendar years.

''(II) SPECIFIED POLLUTANTS.—The pollutants specified in this subclause are—

''(aa) toxic air pollutants, categorized by degree of toxicity and carcinogenic potency;

''(bb) particulate matter (PM–10) and fine particulate matter (PM–2.5);

''(cc) pollutants regulated under section 108; and

''(dd) such other pollutants, and precursors to pollutants, as the Administrator determines by regulation should be controlled to prevent the deterioration of air quality and to achieve attainment of a national ambient air quality standard in 1 or more areas.

''(III) ADJUSTMENT FOR EMISSIONS OF CARBON MONOXIDE.—

''(aa) IN GENERAL.—In carrying out subclause (I), the Administrator shall adjust the performance standard for emissions of volatile organic compounds under this subparagraph to account for emissions of carbon monoxide that are greater than or less than the carbon monoxide baseline determined under item (bb).

''(bb) CARBON MONOXIDE BASELINE.—The carbon monoxide baseline shall be equal to the mass carbon monoxide emissions achieved by reformulated gasoline that contains 2 percent oxygen by weight and meets the other performance standards under this subparagraph.''.

(b) REFORMULATED GASOLINE CARBON MONOXIDE REDUCTION CREDIT.—Section 182(c)(2)(B) of the Clean Air Act (42 U.S.C. 7511a(c)(2)(B)) is amended by adding at the end the following: ''An adjustment to the volatile organic compound emission reduction requirements under section 211(k)(3)(B)(iv) shall be credited toward the requirement for VOC emissions reductions under this subparagraph.''.

SEC. 7. CERTIFICATION OF FUELS AS EQUIVALENT TO REFORMULATED GASOLINE.

Section 211(k)(4)(B) of the Clean Air Act (42 U.S.C. 7545(k)(4)(B)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately to reflect the amendments made by this section;

(2) by striking ''The Administrator'' and inserting the following:

''(i) IN GENERAL.—The Administrator'';

(3) in clause (i) (as designated by paragraph (2))—

(A) in subclause (I) (as redesignated by paragraph (1)), by striking '', and'' and inserting a semicolon;

(B) in subclause (II) (as redesignated by paragraph (1))—

(i) by striking ''achieve equivalent'' and inserting the following: ''achieve—

''(aa) equivalent'';

(ii) by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(bb) combined reductions in emissions of ozone forming volatile organic compounds and carbon monoxide that result in a reduction in ozone concentration, as provided in clause (ii)(I), that is equivalent to or greater than the reduction in ozone concentration achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3);''; and

(C) by adding at the end the following:

''(III) achieve equivalent or greater reductions in emissions of toxic air pollutants, or precursors of toxic air pollutants, than are achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3); and

''(IV) meet the requirements of paragraph (3)(B)(iv).''; and

(4) by adding at the end the following:

''(ii) CARBON MONOXIDE CREDIT.—

''(I) IN GENERAL.—In determining whether a fuel formulation or slate of fuel formulations achieves combined reductions in emissions of ozone forming volatile organic compounds and carbon monoxide in an area that result in a reduction in ozone concentration that is equivalent to or greater than the reduction in ozone concentration achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3) in the area, the Administrator—

''(aa) shall consider, to the extent appropriate, the change in carbon monoxide emissions from baseline vehicles attributable to an oxygen content in the fuel formulation or slate of fuel formulations that exceeds any minimum oxygen content requirement for reformulated gasoline applicable to the area; and

''(bb) may consider, to the extent appropriate, the change in carbon monoxide emissions described in item (aa) from vehicles other than baseline vehicles.

''(II) OXYGEN CREDITS.—Any excess oxygen content that is taken into consideration in making a determination under subclause (I) may not be used to generate credits under paragraph (7)(A).

''(III) RELATION TO TITLE I.—Any fuel formulation or slate of fuel formulations that is certified as equivalent or greater under this subparagraph, taking into consideration the combined reductions in emissions of volatile organic compounds and carbon monoxide, shall receive the same volatile organic compounds reduction credit for the purposes of subsections (b)(1) and (c)(2)(B) of section 182 as a fuel meeting the applicable requirements of paragraph (3).''.

SEC. 8. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) NONCLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon the application of the Governor of a State, the Administrator shall apply the prohibition specified in paragraph (5) in any area in the State that is not a covered area or an area referred to in subparagraph (A)(i).

''(ii) PUBLICATION OF APPLICATION.—As soon as practicable after receipt of an application under clause (i), the Administrator shall publish the application in the Federal Register.''.

SEC. 9. UPDATING OF BASELINE YEAR.

(a) IN GENERAL.—Section 211(k)(8) of the Clean Air Act (42 U.S.C. 7545(k)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) REGULATIONS.—

''(i) EMISSIONS.—The Administrator shall promulgate regulations applicable to each refiner, blender, or importer of gasoline ensuring that gasoline sold or introduced into commerce by the refiner, blender, or importer (other than reformulated gasoline subject to the requirements of paragraph (1)) does not result in average per gallon emissions of—

''(I) volatile organic compounds;

''(II) oxides of nitrogen;

''(III) carbon monoxide;

''(IV) toxic air pollutants;

''(V) particulate matter (PM–10) or fine particulate matter (PM–2.5); or

''(VI) any precursor of a pollutant specified in subclauses (I) through (V);

in excess of such emissions of such pollutants attributable to gasoline sold or introduced into commerce in calendar year 1999 or calendar year 2000, in whichever occurred the lower of such emissions, by that refiner, blender, or importer.

''(ii) MEASUREMENT OF AVERAGE PER GALLON EMISSIONS.—For the purposes of clause (i), average per gallon emissions shall be measured on the basis of—

''(I) mass; and

''(II) to the maximum extent practicable using available science—

''(aa) ozone-forming potential;

''(bb) degree of toxicity; and

''(cc) carcinogenic potency.

''(iii) AROMATIC HYDROCARBON CONTENT AND OLEFIN CONTENT.—The Administrator shall promulgate regulations applicable to each refiner, blender, or importer of gasoline ensuring that gasoline sold or introduced into commerce by the refiner, blender, or importer (other than reformulated gasoline subject to the requirements of paragraph (1)) does not have an aromatic hydrocarbon content or olefin content in excess of such content of gasoline sold or introduced into commerce in calendar year 1999 or calendar year 2000, in whichever occurred the lower of such content, by that refiner, blender, or importer.'';

(2) in subparagraph (C)—

(A) by striking ''clauses (i) through (iv)'' and inserting ''subclauses (I) through (VI) of subparagraph (A)(i)'';

(B) by inserting ''or volatile organic compounds'' after ''nitrogen''; and

(C) by striking ''(on a mass basis)'' and inserting ''(as measured in accordance with subparagraph (A)(ii))''; and

(3) in subparagraph (E)—

(A) by striking ''calendar year 1990'' and inserting ''calendar year 1999 or calendar year 2000 (as determined under subparagraph (A)(i))''; and

(B) by striking ''such 1990 gasoline'' and inserting ''such 1999 or 2000 gasoline''.

(b) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the regulations promulgated under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) to reflect the amendments made by subsection (a).

SEC. 10. RENEWABLE CONTENT OF GASOLINE AND DIESEL FUEL.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

''(o) RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.—

''(1) IN GENERAL.—

''(A) REGULATIONS.—Not later than September 1, 2001, the Administrator shall promulgate regulations applicable to each refiner, blender, or importer of motor vehicle fuel to ensure that motor vehicle fuel sold or introduced into commerce in the United States by the refiner, blender, or importer complies with the renewable content requirements of this subsection.

''(B) RENEWABLE CONTENT REQUIREMENTS.—

''(i) IN GENERAL.—All motor vehicle fuel sold or introduced into commerce in the United States by a refiner, blender, or importer shall contain, on a semiannual average basis, a quantity of fuel derived from a renewable source, measured on a gasoline-equivalent energy content basis (as determined by the Secretary of Energy) that is not less than the applicable percentage by volume for the semiannual period.

''(ii) APPLICABLE PERCENTAGE.—For the purposes of clause (i), the applicable percentage for a semiannual period of a calendar year shall be determined in accordance with the following table:

"Calendar year:	Applicable percentage of fuel derived from a renewable source:
2001	0.8
2002	1.0
2003	1.2
2004	1.4
2005	1.6
2006	1.8
2007	2.1
2008	2.4
2009	2.7
2010	3.0
2011 and thereafter	3.3.

''(C) FUEL DERIVED FROM A RENEWABLE SOURCE.—For the purposes of this subsection, a fuel shall be considered to be derived from a renewable source if the fuel—

''(i) is produced from—

''(I) agricultural commodities, agricultural products, or residues of agricultural commodities or agricultural products;

''(II) plant materials, including grasses, fibers, wood, and wood residues;

''(III) dedicated energy crops and trees;

''(IV) animal wastes, animal byproducts, and other materials of animal origin;

''(V) municipal wastes and refuse derived from plant or animal sources; and

''(VI) other biomass; and

''(ii) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine.

''(D) CREDIT PROGRAM.—

''(i) IN GENERAL.—The regulations promulgated under this subsection shall provide for the generation of an appropriate amount of credits by a person that refines, blends, or imports motor vehicle fuel that contains, on a semiannual average basis, a quantity of fuel derived from a renewable source that is greater than the quantity required under subparagraph (B).

''(ii) USE OF CREDITS.—The regulations shall provide that a person that generates the credits may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with subparagraph (B).

''(iii) REGULATIONS TO PREVENT EXCESSIVE GEOGRAPHICAL CONCENTRATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may promulgate regulations governing the generation and trading of credits described in clause (i) in order to prevent excessive geographical concentration in the use of fuel derived from a renewable source that would tend unduly—

''(I) to affect the price, supply, or distribution of such fuel;

''(II) to impede the development of the renewable fuels industry; or

''(III) to otherwise interfere with the purposes of this subsection.

''(2) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (1)(B) with respect to an area in whole or in part on petition by a State—

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that—

''(I) implementation of the requirements would severely harm the economy or environment of the area; or

''(II) there is an inadequate domestic supply or distribution capacity with respect to fuel from renewable sources in the area to meet the requirements of paragraph (1)(B); and

''(ii) only after a determination by the Administrator that use of the credit program described in paragraph (1)(D) would not adequately alleviate the circumstances on which the petition is based.

''(B) APPROVAL.—The Administrator shall approve a waiver under subparagraph (A) only to the extent necessary to—

''(i) avoid severe economic or environmental harm; or

''(ii) equalize demand with supply or distribution capacity.

''(C) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—

''(i) shall approve or deny a State petition for a waiver of the requirements of paragraph (1)(B) within 180 days after the date on which the petition is received; but

''(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

''(D) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate on the earlier of—

''(i) the date on which the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, determines that the reason for the waiver no longer exists; or

''(ii) the date that is 1 year after the date on which the waiver is granted.

''(3) REPORTS TO CONGRESS.—Not less often than every 3 years, the Administrator shall—

''(A) in consultation with the Secretary of Agriculture, submit to Congress a report that describes—

''(i) the impact of implementation of this subsection on—

''(I) the demand for farm commodities, biomass, and other materials used for producing fuel derived from a renewable source; and

''(II) the adequacy of food and feed supplies; and

''(ii) the effect of implementation of this subsection on farm income, employment, and economic growth, particularly in rural areas; and

''(B) in consultation with the Secretary of Energy, submit to Congress a report that—

''(i) describes greenhouse gas emission reductions that result from implementation of this subsection; and

''(ii) assesses the effect of implementation of this subsection on United States energy security and reliance on imported petroleum.''.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''or (n)'' each place it appears and inserting ''(n), or (o)''; and

(B) in the second sentence, by striking ''or (m)'' and inserting ''(m), or (o)''; and

(2) in the first sentence of paragraph (2), by striking ''and (n)'' each place it appears and inserting ''(n), and (o)''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 89—EXPRESSING THE SENSE OF THE SENATE WELCOMING TAIWAN'S PRESIDENT CHEN SHUI-BIAN TO THE UNITED STATES

Mr. TORRICELLI (for himself, Mr. HELMS, and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 89

Whereas for more than 50 years a close relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic advantage to both countries;

Whereas the United States and Taiwan share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas Taiwan has demonstrated an improved record on human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, and free and fair elections routinely held in a multiparty system, as evidenced by the election on March 18, 2000, of Mr. Chen Shui-bian as Taiwan's new president; and

Whereas the upcoming May 21 visit to the United States of Taiwan's President Chen Shui-bian is another significant step in the broadening of relations between the United States and Taiwan: Now, therefore, be it

Resolved, That the Senate—

(1) warmly welcomes Taiwan's President Chen Shui-bian upon his visit to the United States;

(2) requests president Chen Shui-bian to communicate to the people of Taiwan the support of the United States Congress and of the American people; and

(3) recognizes that the visit of Taiwan's President Chen Shui-bian to the United States is a significant step towards broadening and deepening the friendship and cooperation between the United States and Taiwan.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 15, 2001, to conduct a hearing on the nomination of Mr. Alphonso R. Jackson, of Texas, to be Deputy Secretary of Housing and Urban Development; Mr. Richard A. Hauser, of Maryland, to be General Counsel of the Department of Housing and Urban Development; Mr. John Charles Weicher, of the District of Columbia, to be Assistant Secretary of Housing and Urban Development and serve as the Federal Housing Commissioner; and the Honorable Romolo A. Bernardi, of New York, to be Assistant Secretary of Housing and Urban Development for Community Planning and Development.

The committee will also vote on the nomination of Mr. John E. Robson, of California, to be President of the Export-Import Bank; Mr. Peter R. Fisher, of New Jersey, to be Under Secretary of the Treasury for domestic finance; and Mr. James J. Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 15, at 9:30 a.m., to conduct an oversight hearing. The committee will consider national energy policy with respect to Federal, State, and local impediments to the siting of energy infrastructure.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, May 15, 2001, at 2:30 p.m., to receive testimony on the FY02 budget and priorities of the Environmental Protection Agency.

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

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 15, 2001, to mark up the Taxpayer Relief Act.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the sessions of

the Senate on Tuesday, May 15, 2001, at 10 a.m., for a hearing regarding the Financial Outlook of the United States Postal Service.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, May 15, 2001, at 2 p.m., in Dirksen 226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 15, 2001, at 10 a.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON EMERGENCY THREATS AND CAPABILITIES

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 15, 2001, at 2:30 p.m., in open and closed sessions to receive testimony on the Department of Energy's defense nuclear nonproliferation programs, in review of the defense authorization request for fiscal year 2002 and the future years defense program.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Travis Sullivan, a fellow in Senator CANTWELL's office, be granted floor privileges during the consideration of S. 1, the Elementary and Secondary Education Act.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Janet Whitehurst of my staff be granted the privilege of the floor during the remainder of the debate on S. 1.

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

THE EDUCATION BILL

Mr. JEFFORDS. Mr. President, we have several important amendments pending, but I would like to spend a few minutes discussing the very heart of the bill: Accountability and assessments. I believe the bill before us is the most dramatic reform of the Elementary and Secondary Education Act since 1965. I would like everyone to understand what is in this bill so they can understand how dramatic an impact it will have upon every school in this Nation.

For the first time, we will require all children in grades 3–8 to be annually assessed, and that schools, districts, and States will face consequences if they fail to improve the performance of their students.

Each year—year in, year out—every level of education will be held accountable for showing measurable progress for each group of students they serve. This is the central feature of the legislation, and yet, to judge from press reports and editorials, it is very poorly understood.

I want to do what I can this evening to make sure it is widely understood in this Nation how dramatic the changes are for which we are about to vote.

I am not probably known for unwavering support for the President's agenda, nor, I hope, am I known for going out of my way to criticize the press. But I rise today both to defend the President and to suggest that the press has been sloppy in its reporting and editorial writing on what should be the central issue of the story, education reform.

For the past week or two, there have been a few press accounts and editorials implying that somehow the President or the Senate has caved to pressure, has watered down the standards in this bill, or has walked away from real reform.

In fairness to the press, I realize this is a difficult subject to cover. The topic can be a bit dense, and there is no real bright line as to the kind of progress we can expect from students and schools.

On Thursday, the lead editorial in USA Today read: ''Congress Set to Dilute Education Reform,'' while the subhead read: ''Lawmakers gut school accountability, turn backs on minorities.''

That editorial is but one example of what I think is the lack of understanding about this bill, especially, it seems, in the press. And while my opinion, of course, is just that, it is based on a wealth of data that can be verified independently. Not only do I think it can be verified, I think it is the obligation of the press to do so before it makes value-laden judgments.

In order to understand where we are, a bit of background is necessary. The major education proposals before the Congress have at their core the requirement that States and schools set high standards in core subject matters and that they measure whether students are achieving those standards; further, that we pay particular attention to the progress of our lowest-achieving students. In other words, we are going to look at the groups of students, as well as the students on a general basis, to make sure that no child is left behind.

As reported from committee, both H.R. 1 and S. 1 contain the notion that all students would be proficient in math and reading in 10 years and that a school or school district or State that failed to meet this standard would be deemed to have failed—let me repeat that—and that a school or school district or State that failed to meet this standard would be deemed to have failed.

Further, progress in meeting this goal would be monitored on an annual basis. If a school or district or State failed to make the so-called adequate yearly progress—a term I will use over and over again, ''adequate yearly progress,'' or, for short, AYP—it would be identified as needing school improvement—another phrase to remember—or subject to sanctions if improvement efforts failed.

The concept of AYP is an important one because adequate yearly progress is the bar for judging whether a school or district or State has succeeded or failed.

Legislating that all students should be proficient in 10 years is a wonderful goal, and perhaps for this reason none of us really gave it much thought. Having been involved in the passage of the Goals 2000 Act some years ago, having served on the national goals panel, I must confess that I have become a little wiser about our ability to achieve wonderful goals.

For my colleagues who may not be familiar with the Goals 2000 Act, in it we codified very ambitious goals that we hoped to achieve by the year 2000. For example, back in 1994, we called for our students to be first in the world in math and science—that was a big goal, a goal that we are so far from having fulfilled—and that all students leaving 4th, 8th, and 12th grades would do so with demonstrated competency in challenging subject matter, including English, math, science, foreign language, and so on, all by the year 2000.

Well, 2000 has come and gone. In my view, we have made only limited progress in reaching those goals. We have a long way to go, especially in these goals directly relating to academics. I don't think the lesson to take from this experience is that goals are a bad idea. Rather, I think the lesson is that an unrealistic goal, linked to very real consequences, is a bad idea.

The goal contained in S. 1, as it was reported from the HELP Committee, that all students would be proficient in 10 years, was both admirable and entirely unrealistic. That will explain why we have done what we have. It gives me no great pleasure to say this. I have spent a good part of my career in a continuing effort to improve education for all students, beginning in my very first year in Congress in 1975. Like anyone, I take some pride in my work. I would much rather correct a glaring problem in a piece of legislation before it is reported from my committee, but as has been noted before, wisdom is a rare commodity which should not be rejected merely because it arrives late.

Unlike some of the issues we confront in this Chamber, we have a solid amount of experience in the results of education reform and educational assessment. The same year we put in place the national education goals, we

also passed the last reauthorization of ESEA. Among other things, that reauthorization required annual assessments of students served by title I; that is, for economically disadvantaged students. Combined with the efforts of States and especially leaders from Connecticut and North Carolina and Texas, we have a good idea of what States can accomplish.

Thanks to the Internet, which effectively didn't exist during the last reauthorization, it is a simple matter to examine what States and schools have been able to achieve and how they compare with the standards we are contemplating in this legislation.

What you will find when you do so is that the standard we have set in our bill, expecting every child to be proficient in reading and math in 10 years, was simply not going to happen unless States dramatically dumbed down their tests. Moreover, because States used different criteria for determining proficiency, some States would encounter tremendous hurdles relative to other States, as we tried to overlay one Federal goal on top of 50 very different State systems of measurement.

A good example of this is in the comparison of the States of Texas and Missouri. According to the National Assessment of Education Progress, or NAEP, students in Texas and Missouri are almost identical in their reading ability. Yet the two States' assessments could hardly have been more different.

In 1998, when the NAEP reading test was given, Texas, by its own test, judged 79 percent of its students proficient, while Missouri, by its tests, rated only 29 percent of its students proficient in reading. Neither State is right or wrong. The point is, they have very different standards.

Yet the way our bill emerged from committee, Missouri students would have been expected to make 2½ times the gains of the students from Texas each year merely because their State had set a higher bar for proficiency.

Whether a State was expected to make proficiency gains of 7 percentage points a year, such as Missouri, or 2 percentage points, such as Texas, matters little. As it turned out, of the 20 or so States we looked at, no State achieved a level of AYP, annual yearly progress, required by the committee-reported bill.

Not surprising, what was true at the State level for all students was even more true as the sample size declined. Either by looking at various student subgroups or districts or schools themselves, random samples of schools in Connecticut and North Carolina and Texas revealed that almost no school would make adequate yearly progress under our original definition; our original definition meaning later on we changed it. We had to.

I should note here, my remarks focusing on certain States should be taken as a compliment. The three States I just mentioned are widely recognized as being leaders in education reform. Their data goes back for several years. And in the case of North Carolina and Texas, that data is broken out by many of the categories that would be required under our legislation.

My own State of Vermont, which has been working very hard at education reform and assessments over the past several years, would also fail to make annual yearly progress. So would every other State based on the progress even leading States have been able to make.

Some self-styled education reformers have argued that we should not have abandoned the committee report approach, even in the face of this evidence that every school, practically, in the United States would fail. But it is a mystery to me how you can have education reform if every school and every school district and every State is labeled a failure. Resources would be diluted; chaos would result, as every title I school would be steered into corrective action and reconstituted under the bill. Reconstitution means that you tear it all apart. You create a charter school. You fire all the teachers, whatever else. You have to do something that dramatic, with the entire staff being fired, maybe.

Those teachers with seniority rights would no doubt exercise their bumping rights to land a position in another school. This mass firing and dislocation of teachers would come amidst what most people see as a looming teacher shortage. All over the country, we know that our teachers are getting older and fewer and fewer are coming into the field of teaching. Thus, we are going to have problems in that, which is another issue we will have to face later.

This is not good education policy. This is madness. But we were all so intent on proving how tough we could be improving education that for a long time nobody seemed to be willing to admit we were wrong.

The President, to his everlasting credit, saw the problem and was willing to try to address it. He has stuck by that decision in spite of the often ill-informed treatment he has received from the press. He has chosen the substance of education reform over its political symbolism.

The President and anyone engaged in education reform for very long knows that a goal of education reform must be significant, continuous improvement. And to get it, you need to focus your efforts on the schools that need the most help. Monstrous gains from one year to the next, year in and year out, simply do not happen in the real world. In the real world, our schools are battling poverty, violence, drugs, unstable families, apathetic parents, engaged parents, with more than one job, television, turnover, and all manner of impediments. We cannot throw in the towel, but neither can we legislate miracles.

The substitute amendment pending before the Senate tries to set ambitious but realistic goals for school improvement. If they are adopted, we will all see the results in a few years. I would wager today that we will not look back with regret for setting the bar too low. My own view is that the greatest likelihood is that we will swamp the system by identifying too many schools and States as failing.

But we have reached a compromise on this issue and I will support it, in the firm hope that time will prove me wrong and this bill will not over-identify schools as failing.

The substitute amendment sets our two tests for meeting AYP. First, states must establish a formula that measures progress against the goal of 100 percent proficiency for all students in a decade. Many States already have such formulae in place, so they may have to make some adjustments to their existing approaches. The state-determined formula must give greater weight to improving the performance of the poorest performing students. Quite sensibly, greater weight should be given to greater gains. And the driving factor behind a formula must be the performance on assessments.

The second prong of the AYP definition is designed to ensure that no matter how a State formula is constructed, in order to show adequate yearly progress, the State and its schools and districts will be required to achieve at least a one percentage point gain in proficiency for each group of students, every year.

Let me briefly address the notion that our proposal permits schools to hide the performance of low-performing minorities.

Simply put, this notion is rubbish. The disaggregated scores of groups of students must be reported for schools, districts and states. As a result, parents and the public at large will know exactly how groups of students are performing.

What are these groups? They are based on race, ethnicity, gender, migrant status, limited English proficiency, low-income status and disability. The performance of each of these groups will be measured and disclosed through various means, including the Internet.

We're not hiding the results, we're putting them on a worldwide billboard.

A school will be deemed to have failed to make adequate yearly progress if it fails to make progress for disabled students, for limited English proficient students, for low-income students, and for racial and ethnic groups of students in each subject assessed.

There are easily a dozen different ways a typical school can fail to make adequate yearly progress under the approach taken in the pending substitute.

Making a one percentage point gain in the achievement year after year for every subgroup is a daunting task. Very few states have easily accessible data at the school level by the various subgroups for which this bill will require measurement and consequences.

But the few that do indicate it will be a high standard indeed.

Even at the State level, this kind of continuous improvement has proven elusive for almost every State, even those that are held up as examples of states committed to reform.

The Education Trust recently published a study of how well States have done in closing the achievement gap between white and minority students. As part of that study, it looks at the states making the largest gains in minority math achievement as measured by NAEP.

According to the Education Trust, eight States made above average gains in 4th grade math for African American students. They were: Massachusetts, Michigan, Texas, Iowa, North Carolina, Connecticut, Indiana, and Louisiana.

Most of these States are generally recognized as being in the forefront of education reform efforts in our country.

They also share this distinction. Each of them would be deemed a failure under the committee reported bill.

Let me repeat that. The eight states that did the best job in improving math instruction for black students would all fail if you held them to a standard of reaching 100 percent proficiency for all students.

I have with me a few charts that illustrate my point. In each, the most recent data available is used, and it is compared to what it would take to reach 100 percent proficiency over 10 years. The charts go back in time as far as readily available comparable data permits. Again, these are some of the very best, most committed States.

If you go across the chart, you will find that in 1999, which is the year from 1998–1999, it shows failure because the progress was not there from 1998, and the actual progress was 11.5 and total required progress was 8.8. I get a little confused with the charts, and I suspect everybody will.

Let's go to Iowa. It shows that their annual required progress was a 2.76 improvement. You will notice that as you go along, starting out with 72.45, if you add all the red, it is because they didn't make the 2.76 improvement all the way across, and actually they are missing about 16.56 percent. Then you can break it down by groups. You can see all the way down male, female, and you go to mathematics and so forth. But they are failing.

Connecticut is the same. Connecticut has one of the most impressive educational systems, but you will see there from looking back to the annual progress, they fail right across the board for all those years. We thought they were one of the best. That gives you an idea of what we are looking at, which will show that we have really an incredibly strict piece of legislation.

Massachusetts failed to make progress in reading, and actually lost a little ground in math.

Michigan, in 1999, failed in math and reading.

Texas failed in both subjects in every year but 1997.

Iowa has failed for 5 years running in both subjects.

North Carolina failed to make AYP in both 1999 and 2000.

Connecticut would have failed to make AYP for 5 years running.

Indiana has lost ground in reading and math, and would have failed for 3 years running.

In Louisiana, given the high bar it sets for proficiency, its gains from 1999 to 2000 don't come close to meeting AYP.

To sum up, every States fails.

So for the press to come out and say that we have weakened the standards and somehow we are not going to be stiff enough, they have to understand that under this bill it is going to be very difficult for the States to comply.

These are the results that drove us to amend the committee-reported bill. We didn't do so because of pressure from Governors or any alllegiance to the status quo. We did so because facts are stubborn things. And the facts show that no State has made, or will make, the kind of gains called for in the original bill. Has the substitute set the bar too low? That's a fair question. Again, I think it has to be answered by what the best schools and States can achieve. And again, I think we have set a very high bar.

A look at a random sample of school districts deemed ''exemplary'' in Texas shows that they nearly all fail to make one percentage point gains each year, for each group. That might be explained by the fact that when a school's students are at 90 or 95 percent proficiency, either all students or a group or two will fluctuate up and down. But a look at lower-performing Texas schools, those deemed only ''acceptable,'' yields the same result. If you look at a dozen, probably only one will make AYP.

The same holds true for Connecticut schools and districts.

I have a chart that looks at the committee-reported standard, in which all schools and districts failed. But the results are only marginally different with a 1 percent standard. In the case of Connecticut, the data we have does not show student subgroup performance, which will show gains above and below the average performance, but overall not that good. North Carolina shows the same results. The areas that are darker are the problem areas with no success shown. We looked at the first dozen or so school districts in that State. As our chart shows, all but one failed to make AYP based on the performance of all students in either math or reading.

We found one district did make AYP on the basis of all students, but when you look at the performance of the subgroups of students as we do in the chart for the district, it failed to make a uniform 1 percentage point gain, both for some of the lower performing groups, but also for the highest one. The purpose behind my remarks is not to leave all of us discouraged, but to try to illustrate that even where you have the best efforts at educational reform, improving educational performance is a very hard task, and we cannot expect miracles.

Our efforts should be ambitious but anchored to what we know schools can achieve.

If we enact a system that labels all schools failures, then it is we who have failed.

On the other hand, if they have not already done so, I hope my colleagues in the Senate will take some time to talk with educators in their State about this issue. And I hope the very capable people in the press who write on this issue will spend a little more time in trying to connect the varying claims in this debate to the rich amount of experience that is easily available.

I thank my colleagues for their attention.

I took the time this evening to allow people to have the full story so as to better understand, especially when the press says we have watered down the standards. They can make that argument, but if you realized how strict they were to start with and if you realized the present status of our schools, you would understand that had we not done this, it would have been devastating and probably so deflating that we would have chaos.

We have tried to come up with what we believe are the improvements that are capable of being performed by the schools. I point out, as I have pointed out to my colleagues continuously, that is why it is incredibly important we make sure the resources are there for these schools to make the changes to live up to the President's program.

I urge everyone to follow the costs that are going to be incurred and to talk with the officials in their States to see what resources they believe will be necessary to make sure that every child in that State has an opportunity to be a successful student.

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.

MEASURE PLACED ON THE CALENDAR—S. 872

Mr. JEFFORDS. Mr. President, there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 872) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal

Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

Mr. JEFFORDS. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the majority leader, pursuant to Public Law 106–286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: The Senator from New Hampshire (Mr. SMITH); the Senator from Kansas (Mr. BROWNBACK); the Senator from Arkansas (Mr. HUTCHINSON); the Senator from Oregon (Mr. SMITH); and the Senator from Nebraska (Mr. HAGEL), Chairman.

The Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, pursuant to Public Law 102–246, appoints Leo Hindery, Jr., of California, to the Library of Congress Trust Fund Board, vice Adele Hall of Kansas.

ORDERS FOR WEDNESDAY, MAY 16, 2001

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, May 16. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10 a.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator ROBERTS, or his designee, the first 15 minutes; Senator DURBIN, or his designee, the second 15 minutes.

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

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, the Senate will be in a short period for morning business beginning at 9:30 a.m. during tomorrow's session. It is expected that the Senate will begin consideration of the reconciliation bill. Senators will be notified as to when debate will begin on that legislation. Under the rule, there are 20 hours for consideration of that bill. Amendments will be offered, and therefore votes are expected throughout the day and into the evening.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 7:19 p.m., recessed until Wednesday, May 16, 2001, at 9:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO GRACE ANN MURPHY

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2001

Mr. REGULA. Mr. Speaker, after 42 years of government service, the last 28 of which was with my office, Grace Ann Murphy has earned a well-deserved retirement. Grace began her government career at the Navy Department, followed by employment at NASA. In 1970, she came to Capitol Hill to work for Rep. Frank Bow, my predecessor in Congress.

When I came to the House in 1973, I was pleased to have Grace continue her service to the constituents of the 16th district. She is well known to residents of the 16th district having advised them on traveling to our Nation's capital, helping to set tours of the Capitol and the White House, and responding to a myriad of constituent requests.

With her vast knowledge of how the Hill works, Grace's skills were particularly appreciated during office moves and Presidential Inaugurations, both events having taken place recently. Grace is extremely knowledgeable about Washington, DC, as she was born and raised here where she graduated from Anacostia High School. She spends her spare time keeping track of all of her fellow classmates for class reunions.

My staff, my constituents, and I will miss Grace not only for her many outstanding contributions in helping to keep our office running smoothly, but especially for the way she made the various holidays special with the appropriate decorations and foodstuffs. We wish her well in her retirement as it is richly deserved.

IN RECOGNITION OF FRANK DOMINGUEZ

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Frank Dominguez for his committed service to the community of Elizabeth, NJ, and for his extraordinary business achievements.

Frank Dominguez is president and CEO of Imperial Construction Group, Inc., one of the fastest growing construction firms in the country. From 1996 to 1999, sales increased from $6.4 million to over $21 million. This year, Imperial stands to earn revenues exceeding $30 million. Hispanic Business Magazine ranked Imperial as one of the 100 fastest growing Hispanic-owned companies in the United States. The company has over 70 employees who provide construction and design services for private corporations and government agencies.

Many associations have recognized Mr. Dominguez for his outstanding business achievements. In 1993, he received the ''Contractor of the Year'' Award from the Hispanic Chamber of Commerce of New Jersey. In addition, the U.S. Small Business Administration has honored him four times in the last 8 years.

In the past three years alone, Imperial has awarded over $14 million in subcontracts to numerous small businesses in the State. Mr. Dominguez's dedication and commitment in assisting other small businesses speaks volumes about his character.

Frank Dominguez resides in Warren Township, NJ, with his wife and their two children Anthony and Mark.

Today, I ask my colleagues to join me in honoring Frank Dominguez for his hard work and for his years of service to the State of New Jersey, where he has helped build houses, develop and revitalize communities, and change lives for the better.

THE RETIREMENT OF CELIA DOLLARHIDE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. SMITH of New Jersey. Mr. Speaker, as all federal agencies are keenly aware, the government is losing many valued employees to retirement. Among them, one stands out for her dedication and commitment—Mrs. Celia Dollarhide, Director of Education Service at the Department of Veterans Affairs, who retired on May 3.

Most veterans don't know Celia Dollarhide by name. Her leadership in setting policy, working with Congress, and ensuring that education benefits are paid has been felt by the hundreds of thousands of veterans and their survivors who received an education under one of the three GI Bills during her tenure.

Celia Dollarhide has devoted her working life to federal service. After taking the federal entrance exam, Celia was highly sought by many federal agencies. Fortunately for veterans, she settled on the Veterans Administration. In 1966, Celia began her career as a claims examiner at the Chicago Regional Office, and in 1972 moved to Washington, DC, to work as an Education Specialist. By 1975, Celia was the Chief of the Program Administration Division in the Education Service. After various management positions within the Veterans Benefits Administration, she became the Deputy Director of the Education Service and in 1994, then-Secretary Jesse Brown promoted her meritoriously to the Senior Executive Service. Celia has served the last six years as Director of Education Service.

Throughout her career, Celia has received numerous awards and professional recognition due to her advocacy and leadership on behalf of veterans and their survivors. It is her core belief—that veterans could achieve so much more with an education—that has driven her to succeed at every turn. There is no way to count the number of people whose lives Celia has affected, and I wouldn't even begin to try.

Mr. Speaker, Celia Dollarhide has met the highest standards to which civil servants can aspire. On behalf of the VA Committee and our staff, I say thank you to this remarkable professional.

RETIREMENT OF CELIA DOLLARHIDE

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. EVANS. Mr. Speaker, last week marked the retirement of Celia Dollarhide, longtime Director of the Education Service for the U.S. Department of Veterans Affairs. Like most people, I don't like telling friends goodbye. And Celia has been an incredibly helpful friend to me and to the Committee on Veterans' Affairs over the years. Most importantly however, Celia has been an unwavering friend to the men and women who have served our Nation in uniform.

Mrs. Dollarhide has served veterans faithfully for almost 35 years, all of which have been with VA's Veterans Benefits Administration (VBA). She has achieved a remarkable record of accomplishment in the education program. From processing individual education claims for veterans to managing the administration of entire benefit structures, Mrs. Dollarhide's career has been devoted over time to three different GI Bill programs. Prior to her management role at VBA, she began her career at the Chicago Regional Office in 1966 as a Veterans Claims Examiner. She then became an Education Specialist when she moved to Washington, DC in 1972.

From 1975 to 1980, Mrs. Dollarhide served as Chief of the Education Service's Program Administration Division. Throughout the 1980's, she assumed the roles of Administrative Officer for VA's Central Region and Special Assistant to the Deputy Chief Benefits Director for Program Management. She returned to the Education Service in 1990 as its Deputy Director. In 1994 our former Secretary of Veterans Affairs, Jesse Brown, had the wisdom to bring Mrs. Dollarhide into the Senior Executive Service. Since that time, she has excelled in her role as Director for the Education Service.

Above all else, Celia Dollarhide has always believed in the power of higher education. As a major proponent of enhanced education benefits for veterans and as a caring administrator, her career stands as a testament to the notion of individual empowerment. Her life's work has focused on empowering the brave men and women who defend this country to become more and achieve more than they ever could have without education.

The VA education benefits that Mrs. Dollarhide has so masterfully administered have helped countless thousands of veterans and servicemembers to make their dreams a

reality. I can say this from experience, as I myself have directly benefited from VA education benefits under the GI Bill program. In this regard, I want to personally thank my friend Celia—for her tireless energy, for her unwavering advocacy efforts and for her leadership.

At VA, Mrs. Dollarhide has spent her working days seated behind the large lawyer's desk that used to belong to her late husband, Charles ''Lew'' Dollarhide. Mr. Dollarhide also served as VA's Director of the Education Service from 1980 to 1986. Mrs. Dollarhide's service and that of her husband have been an exemplary contribution to public service by two remarkable people. For the betterment of veterans and their families, Celia Dollarhide leaves behind an outstanding record of achievement at VA and for this we are all grateful. Thank you, Mrs. Dollarhide, and best regards to you in your well deserved retirement.

NO ESCAPE, NO MORE TO GIVE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. LANTOS. Mr. Speaker, I rise today to call the attention of my colleagues to a poignant and powerful article about the increasing violence we are witnessing in Israel. The author of the article, Sherri Lederman Mandell, is the mother of one of the two teenage boys who was found stoned to death in a cave last week. Her words provide us with an insightful look into the lives of Israelis living on the front lines of the violence in Israel.

We must not lose sight of the human element of the issues which we debate. The decisions we are trusted to make impact the lives of real people, a fact too often forgotten. This is especially true for the current violence in Israel, where personal testimonies are often drowned out by pools of rhetoric and propaganda. The fact is, Mr. Speaker, that innocent Israelis are forced to live lives full of fear of violence and terror. Confined to their homes by the violence that surrounds them, these brave people hold out hope that peace will occur one day.

Mr. Speaker, I ask that this entire article ''No Escape, No More to Give'' by Sherri Lederman Mandell, and published in the May 14th edition of the Washington Post be placed in the CONGRESSIONAL RECORD. I urge my colleagues to carefully consider the tragic human suffering that persists in the Middle East and which the author describes so vividly in this excellent article.

[From the Washington Post, May 14, 2001]

NO ESCAPE, NO MORE TO GIVE

(By Sherri Lederman Mandell)

We want to stop listening to the news and watching TV. It is so unbearable that we have reached the point of saturation; no more—no more listening to reports about our children, our soldiers, our husbands, our mothers, our fathers dead, maimed, dying, lost, suffering.

My friend Leah this morning had to pay a mourning visit to a friend whose husband died on Friday. He was on his way from Neve Yaakov, home to Beit Shemesh, and was found in the trunk of his car, dead. It's not clear whether the killing was criminal or terrorist. The astonishing thing is that we talk about this story and feel as though the world is lost. Then, 10 minutes later we're talking about our diets. Everyone I know is on a diet. Why? Because our weight is all we can control.

I am cleaning house, something I generally don't do. Each corner has to be swept, each bed needs to be made. It is a way of feeling that I can cope. My house is clean and in order, so the world is good.

My friend Shira who is a former SDS member, a feminist and now a therapeutic masseuse, has been reading romance novels—for the first time in her life. She also is decorating the walls of her house with shell sculptures that she fastens with concrete glue. She is busy designing waves and a sun. She is building a life of freedom within the confines of her four walls, the only place she feels safe nowadays.

Suddenly, everyone is home for Independence Day. The only picnic is one that is close by, one that we don't have to drive to with our whole family in the car. We say a special prayer in the synagogue on Friday for Linda and Bobby who were shot at on the tunnel road—shots were fired over their car, the road was closed and they turned around and went back, unhurt.

This is our freedom and independence in our own country. During Holocaust Day, you could hear the sounds of gunfire and tank fire from Gilo and Bethlehem as the prime minister made his speech at Yad Vashem praising Israel as the land where the Jews are free to defend themselves.

On Independence Day, my daughter read the names of 12 people from our area who were killed in the most recent battles. This is not Holocaust Day; this is not some distant battle. This is the battle of today.

We can try to deny it, but we can't escape it—a battle is raging around us. No matter how much we don't want to listen, we lie in bed and hear the shooting.

There is no way not to listen. But what is the message we are supposed to hear? It's not clear anymore. We want peace, but peace is a word that is not the absence of war. Peace has to have value in itself. We have been dreaming about peace. But we have been dreaming with our eyes closed.

Now our eyes are open. We can't escape the sounds of battle. And what is most alarming is this: The battle is a result of giving everything we could. To give more, makes no sense.

The writer's 13-year-old son, Koby, was stoned to death in a cave in Israel last week; she wrote this piece before her son's death, and it is published now with her permission.

TRIBUTE TO JOYCE WILLIAMS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great American, and I am proud to recognize Joyce Williams in the Congress for her invaluable contributions and service to our nation.

Joyce comes from the small town of Bono, Arkansas, but her resume shows that she has not had a small town life. In the first place, she is one of the best-educated people I know, having attended Arkansas State University, the Graduate Institute of Politics, Jonesboro Business College, John Robert Powers Modeling School, and of course, Bono High School.

Right now she and her husband Jim—who also is a wonderful friend—operate Williams & Associates Management Consultants, but I came to know her when she worked for me after I was elected in Congress. In total Joyce spent 22 years employed with the U.S. House of Representatives, and her experience in the offices of my predecessors was crucial as I learned how to represent the First Congressional District of Arkansas. Before working for our institution, Joyce had jobs in industry with General Electric and A.D.T., as well as in the bookkeeping trade and sales.

In addition to these professional responsibilities, Joyce somehow found time to be the Governor of Altrusa International, and hold memberships in the Altrusa Club of Jonesboro, the Order of the Eastern Star, Beta Sigma Phi Sorority, the Girl Scout Council, the National Association of Retired Federal Employees, the Arkansas Democratic Women, the Craighead County Democratic Women, the Craighead County Election Commission, the Walnut Street Baptist Church.

Joyce is a devoted mother to her daughter Teresa Jo—now Mrs. Michael Watkins—and spends a great deal of time with her grandchildren Seth and Sarah Watkins, and she is a devoted daughter to her own mother.

I am proud to recognize Joyce Williams for everything she has done to help me and the residents of the communities that have been lucky enough to count her as a member. Today I want to express my appreciation on behalf of those people, and on behalf of the citizens of this nation.

PHIL KENT, PRESIDENT, SOUTHEASTERN LEGAL FOUNDATION

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. BARR of Georgia. Mr. Speaker, those who would argue that a successful career in the news media and sensible conservative views are mutually exclusive traits have obviously never met Phil Kent.

Phil's service to his country began with duty as a military police officer in the United States Army, and as press secretary to Senator STROM THURMOND. After finishing his tenure in Washington, Phil returned to Georgia where he began a job as opinion page editor for the Augusta Chronicle.

His work at the Chronicle brought him widespread recognition and honors. Even his liberal opponents will admit, Phil's written work was always well-researched, well-written, and interesting to read.

Phil Kent is now entering a new phase in his career. He was recently recruited by the Southeastern Legal Foundation to serve as its President. I have every confidence this vital, public interest legal foundation will benefit greatly from Phil's conservative vision and penchant for bold action as he takes the helm there.

I hope other Members of this body will join me in celebrating the arrival of such an effective activist at such an important legal foundation.

CONGRATULATIONS, KID WITNESS NEWS AWARD WINNERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the United States House of Representatives to join me in paying special tribute to a very talented group of students at the Gordon Parks Academy, located in my Congressional district in East Orange, New Jersey. On May 15th, they will be honored at the 11th annual Panasonic Kid Witness News Vision Awards Ceremony, to be held in our own Newark Museum in Newark, New Jersey.

The Gordon Parks Academy, K–8, is this year's special Technical Vision Award winner for producing a video with the best special effects. This winning video, ''Reading: Destination Unlimited'', used especially creative and innovative special effects to create its message that books can transport the mind and the imagination. Two students wander into their school's book fair looking for a recommendation. They are invited by the mysterious librarian to take a trip across the United States. To the tune of Nat King Cole's ''Route 66,'' the students experience a fun-filled cross-country odyssey. The special effects reinforce the point that reading a good book can be as vivid as living what you are reading. Mrs. Sharman Howe Nittoli, the TV Production Teacher and KWN coordinator, should be commended for her outstanding work with the very talented young people who produced this video. Kid Witness News is a hands-on video education program in more than 200 primarily inner-city schools in 120 U.S. cities. Using Panasonic-supplied equipment to create video projects, young people are encouraged to develop their creative, communication and technical skills through video production. Annual awards are presented to student teams in various categories, including Best Video, Documentary, Local Hero, Multiculturalism and News at a special program held in New Jersey each spring. It is apparent that The Gordon Parks Academy is proud to be a participant in Panasonic's KWN student news program. I know Ms. Joyce F. Howard, the school's principal, clearly recognizes the importance for young people of diverse backgrounds to seek new experiences and examine themselves in different roles as they prepare for their own future. I truly am proud to say congratulations to her, to the program advisors, and especially to the students of Gordon Parks Academy for a job well done. As a former teacher and lifelong advocate of youth, I am pleased to support Panasonic's Kid Witness News program. I commend Don Iwatani, Panasonic's Chairman and CEO of North American operations, for his support and leadership of such a commendable program. The excitement surrounding this program is that we actually will see ''The World Through Their Eyes'' in years to come as the participants become the future newsmakers of tomorrow. The 2001 New Vision Awards are a testament to the great future of today's youth as they prepare for the 21st Century. I am proud that Panasonic is in New Jersey and proud of its efforts to make a difference in the lives of children both in New Jersey and across the country.

THE 42ND ANNUAL CASTROVILLE ARTICHOKE FESTIVAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor the 42nd Annual Castroville Artichoke Festival, taking place May 19th and 20th. While quite unknown to many people outside of my district in California, Castroville is the self-declared ''Artichoke Capital of the World,'' and this delicious thistle is one of the largest crops in northern Monterey County.

The Artichoke Festival is an annual two-day event that celebrates the culture of the Salinas Valley, specifically the growing, harvesting and many uses of the artichoke itself. Every year new events are planned, but the most popular ones include a classic car show, a parade, and, of course, the food. This year will surely be more exciting, with the addition of a 10K/half marathon race and an artichoke recipe contest.

The artichoke first came to central California in 1921, when four families with close ties to Italy decided to grow the thistle that was so popular in Europe right in Castroville. With a climate that is perfect for this crop, the artichoke has become a rich part of the heritage and culture of our area.

Because of this importance in the life and economy of my district, and because it is such a delicious treat for anyone familiar with this thistle, I am pleased to be able to honor the 42nd Annual Castroville Artichoke Festival.

TRIBUTE TO JIMMIE LOU FISHER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great American, and I am proud to recognize Jimmie Lou Fisher in the Congress for her invaluable contributions and service to our state and nation.

I have known Jimmie Lou for years, and I can testify from experience to her public service and the example she has set for others.

Jimmie Lou has served longer than any other state treasurer in Arkansas history. As one of the first female office holders in our state, she has been a positive role-model and trailblazer for young women. Most importantly, she executes her responsibilities effectively, and combines her obvious competence with a passion for politics. This explains why the citizens of Arkansas have elected her so many times, and why she has inspired so many others to become involved in our political system.

Clearly Jimmie Lou has mastered her job, and has shown creativity and ingenuity in the process. In 1990 she was named the president of the National Association of State Treasurers. Recently she was the only state treasurer in the nation to employ a state-of-the-art investment and general ledger system, which has cut paperwork and processing in half, and dramatically reduced maintenance costs.

Her many awards and nominations indicate the degree to which she has touched the lives of people in communities large and small. President Bill Clinton was lucky to have her as a district coordinator when he first ran for governor; the Democratic party was lucky to have her in all of the capacities she accepted in its behalf; the citizens of Arkansas were lucky to have her through almost eighteen years of public service; and the women in our state have been lucky to have her as a role model and inspiration.

Jimmie Lou decided to retire from politics this year, which came as a surprise to many people in our state. We all wish she could have served forever. On behalf of the citizens of the state of Arkansas and this nation, with great love and respect, I thank her for everything she has done to improve the lives of others. I am very proud to call her my friend.

INTRODUCTION OF THE SMALL BUSINESS LIABILITY PROTECTION ACT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. GILLMOR. Mr. Speaker, I am pleased to introduce the Small Business Liability Protection Act. This bill, which has cosponsors from both sides of the aisle, represents the successful negotiations of Republicans and Democrats on both the House Energy and Commerce Committee and the Transportation and Infrastructure Committee. This bill is long overdue and will provide liability protection to small businesses that disposed of very small amounts of waste or ordinary garbage and shelter small businesses from serious financial hardship by offering those affected businesses expedited settlements. It does not save any businesses from Superfund liability if their waste stream caused serious environmental harm. This bill provides an appropriate helping hand while keeping the onus on all businesses to be responsible stewards of our environment. I would urge all members of this House to support this bill, without amendment.

CELEBRATING NILOUS McKINLEY AVERY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to commend and celebrate the life and Golden Anniversary Celebration for Dr. Nilous McKinley Avery. Dr. Avery has pastored Hill Street Baptist Church in Asheville, North Carolina for fifty (50) years. It has been my privilege to be in his church many times as he has held the summer ''Earning by Learning'' reading program in his church which I have sponsored for the past seven years.

Dr. Avery graduated from Garner High School in Garner, North Carolina, and then went on to complete his Bachelor of Arts, Bachelor of Divinity, and Master of Divinity at Shaw University in Raleigh. He pursued a Doctor of Theology Degree (THD) in Psychology and Pastoral Counseling from the Boston University of School of Theology in

Boston, Massachusetts and was recognized with an Honorary Doctor of Divinity from Shaw University.

As a student Dr. Avery served as pastor of Pilot Baptist Church in Pilot, North Carolina; New Liberty Baptist Church in Louisburg, North Carolina; Macedonia Baptist Church in Wake Forest, North Carolina; and Malabys Crossroads Baptist Church in Knightdale, North Carolina. In 1951 he came to Asheville to pastor Hill Street Baptist Church, and fifty years later he is still the pastor.

Since his arrival in Asheville, Dr. Avery has become an outstanding leader in the religious community. In 1956 he became the first African American to be elected president of the Interracial Ministerial Association of Asheville and Buncombe County. In addition, he has served in a leadership capacity in many organizations in the area as well as state-wide organizations.

Dr. Avery is married to the former Christine Watson who is a retired teacher from the Asheville City Schools System. They have four children, all college graduates: Nilous M. Avery, II pastors Mount Zion Baptist Church in Salisbury, North Carolina. Kryste' N. Moore practices dentistry in Newark, New Jersey. CiCi Morton is the Supervisor for Community in Schools in Asheville, North Carolina. Nian Avery is a licensed embalmer and funeral director at Hart Funeral Service in Asheville, North Carolina. The Averys have eight grandchildren.

Mr. Speaker, I know that all of my colleagues in the House of Representatives join me in saluting Dr. Avery's first fifty years of service to his Lord, his church and our community.

TRIBUTE TO PRESIDENT CHEN SHUI-BIAN OF TAIWAN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. WALDEN of Oregon. Mr. Speaker, President Chen Shui-bian of the Republic of China will be completing his first year of service as Taiwan's head of state this May 20, and I would like to congratulate him and comment on a few of Taiwan's achievements.

First, the Republic of China on Taiwan is a major trading partner of the United States and has maintained friendly ties and relations with us for the last ninety years. Second, over recent decades, Taiwan has become a successful model of political reform. Fifty years ago, Taiwan was a closed and authoritarian society with neither freedom of speech nor freedom of assembly. Taiwan did not have elections. Today, Taiwan has become a true democracy. It is the home to more than 90 political parties and virtually every political office in Taiwan is hotly contested through free and fair elections. Third, Taiwan subscribes to the private enterprise system. Taiwan's economy is vibrant and it offers its people one of the highest standards of living in Asia, including universal education and free medical care of people of all ages in Taiwan. Fourth, in terms of its trading relations with us, Taiwan represents our seventh largest export market, thus providing many jobs for our manufacturers. Fifth, in addition to trade relations, more than 30,000 Taiwan students are studying at U.S. colleges and universities. Sixth, the U.S. is the number one destination for most of Taiwan's travelers. Seventh, and last but not least, Taiwan and the U.S. share many values in common such as attachment to human rights, freedom and democracy.

Congratulations to Taiwan. I would also like to extend my sincerest welcome to President Chen during his visit to America. He will be stopping in New York on his way to Central America later this month. His stay in New York will be brief, but I hope he enjoys his stay and I wish him success during his official visit in Central America.

REVEREND FELIX B. DUCKWORTH

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great American, and I am proud to recognize Reverend Felix B. Duckworth in the Congress for his invaluable contributions and service to our nation.

Reverend Duckworth was born in Little Rock, Arkansas in 1964, and raised in Cleveland, Ohio. He has been married to his lovely wife for 14 years, and he has two beautiful daughters who are 13 and 14 years of age.

His is a life of devotion to the church, and he has spent 20 years in the ministry winning souls for Christ. For ten of those twenty years Reverend Duckworth has been pastor of a church. He served seven of the ten years as Pastor of the Star of Zion Baptist Church in Corpus Christi, Texas. While at the Star of Zion, he was as a member of the City Revitalization/Economic Development Committee. It was here that he committed himself to improving socially and economically distressed areas. Through his work on that board, Reverend Duckworth helped to build and develop the infrastructure for the city of Robstown, Texas, a suburb of Corpus Christi.

After leaving the Star of Zion, he moved to Forrest City, Arkansas, where he assumed the stewardship of Salem M.B. Church. At Salem, he continued his life's work by providing the vision to construct the Salem M.B. Church Family Life Center. Reverend Duckworth used his experience in Corpus Christi to give Forrest City a resource that will provide the community with much-needed intervention and prevention programs. The Salem M.B. Church Family Life Center will serve as a community center that will offer counseling, tutoring and wellness services. The facility will have a computer learning center that is the result of a collaborative effort of state and federal agencies. The Center's primary focus is promoting the importance of getting a good education and addressing the social problems that are ever-present in distressed communities. Reverend Duckworth has written several papers conveying his thoughts on leadership and stewardship. Recently he completed a Leadership Manual addressing church leadership philosophies that will probably be published in late 2001.

In addition to his main responsibilities with the church, Reverend Duckworth somehow has found time to be Moderator of the North Arkansas Baptist District Association, which oversees 12 churches; President of the St. Francis County (Arkansas) Ministerial Alliance; a member of the Community Relations Board at Forrest City Federal Prison; Chaplain of the Baptist Memorial Health Care Center in St. Francis County; a member of the St. Francis County TEA Coalition Board; and a member of the St. Francis County NAACP.

I am proud to recognize Reverend Duckworth for everything he has done to help the residents of the communities that have been lucky enough to count him as a member, and I want to express my appreciation on behalf of those people, and on behalf of the citizens of this nation.

CONGRATULATIONS TO THE NEWARK YMWCA ON 120 YEARS OF SERVICE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the United States House of Representatives to join me in honoring an institution which is close to my heart and which has inspired countless young men and women over its 120 years of service, the YMWCA of Newark and Vicinity.

As friends and supporters of the Newark Y gather for the 120th anniversary celebration, we reflect on the unique history of the organization as it has worked to serve fellow citizens, young and old, men and women, families and singles, of all races and religions. The Newark Y was the first major Y in the nation to have an African American Executive Director, Mr. Robert Wilson. In the early 1950s, when both the YMCA and the YWCA were conducting a capital campaign to raise funds for a new building, it was decided that the two would merge, creating the YMWCA. The Newark Y has been in the forefront of international programs, with the diligent global work of people like Woody and Connie English putting Newark on the map.

As a school teacher in the 1950s, I encouraged students on the athletic team I was coaching at the then Southside High School, called Malcolm X. Shabazz High School today, to join in the storefront Y at 52 Jones Street. That first group formed the Omega Phi Epsilon High School Club, and within a few years we had over 40 clubs. The TransCity Teen Program was recognized as the most active in the country. Our efforts at the Y resulted in thousands of youngsters being mentored and placed in colleges throughout the northeast and the rest of the nation. Volunteers would drive them to college and help them settle in to their freshman dormitories. Participating in regional, national and international programs in Europe, South America and Africa, many of the Y youngsters of yesterday have become outstanding leaders of today in all fields: education, law, government, medicine, and the corporate world. The YMWCA is committed to developing the spirit, mind and body of the individual; to creating a sense of common social purpose in the community; and to promoting basic, wholesome values for living. The YMWCA demonstrates those commitments through programs and services which offer opportunities to develop youth leadership skills,

strengthen family life, adopt healthy lifestyles, build international understanding, make friends, go to camp, learn to swim, obtain new skills, volunteer in the community, and play basketball and other sports. Despite the ever-changing nature of the world, the need for these kinds of programs and services remains as great as it was when the YMWCA was founded in 1881.

As the proud former national President of the YMCAs of the USA, I am pleased to recognize the Y for its many contributions to the quality of life in Newark and surrounding communities and urge support for the Y so that it may continue to serve us for years to come.

DEPUTY FIRE CHIEF PHILIP CHOVAN, MARIETTA, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. BARR of Georgia. Mr. Speaker, one would be hard pressed to find a better example of a life spent serving others, than that of Marietta, Georgia Deputy Fire Chief Philip Chovan. After serving in the United States Army, and following his graduation from college, Deputy Chief Chovan began a career protecting his friends and neighbors from fires and other disasters.

During that career, Deputy Chief Chovan has continued to develop as a professional; earning certification after certification, and holding teaching positions where he has passed those skills along to others. In addition to engaging in practically every facet of emergency planning in his own department, Philip Chovan has served on disaster preparedness boards, such as the Georgia Local Emergency Planning Committee, on the Atlanta FBI's Joint Terrorism Task Force, and as a presidentially appointed member of the Defense Science Board.

While all of us hope we will never need the services of someone like Philip Chovan, I can say with great confidence he is the kind of person I would want protecting my home and family in an emergency. As he begins a well-earned retirement this year, I join the many individuals who Deputy Chief Chovan has protected from harm, in expressing our thanks and wishing him a safe and prosperous future as he pursues new challenges.

A TRIBUTE TO SMITH DOBSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a legendary jazz musician who passed away last month. Smith Dobson died April 20, 2001, in an automobile accident that took the life of a great pianist and teacher. Mr. Dobson was only 54.

Smith Dobson had a career that led him to some of the highest levels of performance. He has shared the stage with musicians such as Art Pepper, Pharoah Sanders, Freddie Hubbard, Mundell Lowe, Stan Getz, among many others, and has spent the last 13 years playing with vibraphonist Bobby Hutcherson. At the beginning of his career, in fact, he was a member of the Airmen of Note, the official White House jazz band. His teaching career has been equally praised, having held positions in jazz history at the University of California, Santa Cruz, and jazz piano and harmony at San Jose State University. Mr. Dobson was also a dedicated community advocate for musical education and outreach. He sat on the boards of the San Jose Jazz Society, the Stanford Jazz Alliance and the Kuumbwa Jazz Center in Santa Cruz.

Indeed, Mr. Speaker, his death has shocked our local community as well as the jazz community at large. At his memorial service, over 1,000 people came to pay their respects, filling the chapel two hours before the service even began. His life was celebrated in word and in song, as his friends and colleagues shared tales and memories. Smith Dobson has been described as the ''moral center of the community'', a ''world-class'' player, and the ''first-call guy''. In fact, last year the internationally known Monterey Jazz Festival recognized his talent and dedication to his craft with a lifetime achievement award. He and his family were also the recipients of the 2001 Gail Rich Award for excellence in the arts. Mr. Dobson's loss is indeed a loss for us all.

Smith Dobson was a consummate musician and member of his community, and I am sure that his legacy will continue through the talents of his two children and wife, all of whom are accomplished musicians as well. He will be greatly missed by his wife, Gail of Santa Cruz; son, Smith Jr. of San Francisco; and daughter, Sasha, of New York; as well as thousands of musicians, friends, colleagues and fans.

SUPPORT H.R. 10

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. QUINN. Mr. Speaker, I rise in support of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act. This comprehensive legislation is an excellent first step toward rectifying the severe retirement savings shortfall in this country.

Clearly we need to do more to prepare for our futures. IRA's, 401(k)s, and other tax-favored retirement plans are one way to do so. At present, half of our nation's workforce, practically 75 million Americans, lack access to a 401(k)-type plan or any kind of pension. IRA contribution limits have been frozen at the $2,000 limit since 1981. I applaud Congressmen PORTMAN and CARDIN for creating this package that will allow Americans to set more aside in IRA or 401(k)-type plans, modernize pension laws, and provide regulatory relief to encourage more small businesses to offer retirement plans.

By allowing individuals to increase their contribution limit for both traditional and Roth IRA's to $5,000 over the next three years, gives them the potential for a sound economic future. This legislation would allow so many working Americans the opportunity to better themselves, their families and their future. Also by including catch-up provisions granting individuals who are over 50 to increase their contribution for IRA's to $5,000 next year, provides these individuals to chance for a better retirement.

In today's society, we are living longer and healthier lives. Current statistics indicate that one-fifth of today's 35-year-olds who reach retirement can expect to live into their 90's. This evidence clearly demonstrates that Americans will outlive their retirement savings. Therefore, it is crucial that Congress can provide Americans, who have worked hard to support themselves and their families, every opportunity possible to achieve a financially secure retirement.

I would urge my colleagues to support this landmark legislation that would expand access to private pensions and increase flexibility for families to save for their retirement.

IN RECOGNITION OF THE 11TH ANNUAL PANASONIC KID WITNESS NEWS PROGRAM AND THE NEW VISION AWARD WINNERS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize a very talented group of students at Theodore Roosevelt School in Weehawken, New Jersey. On May 15th, 11th annual Panasonic Kid Witness News program will present its New Vision Awards at the Newark Museum in Newark, New Jersey.

Theodore Roosevelt School's K–8 is this year's New Vision Award winner for producing the best ''Local Hero'' video. Videos in the Local Hero category profile an individual who represents accomplishments, heroism or spirit, and demands our attention and adulation. The video created by the Weehawken school KWN team used a series of on-camera narrators, interviews, still photographs, and home video footage to create a moving portrait of one of their classmates, 12-year-old Lenny Rodriguez, a cancer survivor who made the hard decision to have his leg amputated. In choosing the Theodore Roosevelt School, the judges selected ''Our Little Giant Dares to Dream,'' an inspirational story about one person's extraordinary triumph over adversity. I commend Mr. Jon Hammer, 7th grade teacher and KWN coordinator, and 6th grade teacher Eileen Hochman for their generous time and support given to the Weehawken KWN team to produce such an outstanding and special video.

I am very familiar with Panasonic's Kid Witness News program. It is a hands-on, video education program, in more than 200 primarily inner-city schools in 120 U.S. cities. Using Panasonic-supplied equipment to create video projects, young people are encouraged to develop their creative, communication, and technical skills through video production. Annual awards are presented to student teams in various categories, including Best Video, Documentary, Local Hero, Multiculturalism, and News at a special program held in New Jersey each spring.

Theodore Roosevelt School was the very first participating school in Panasonic's KWN student news program. Mr. Anthony LaBruno, the school's principal, clearly understands the students' pride in accomplishing from these

kinds of programs. Congratulations to him, to the KWN program advisers, and to the students of Theodore Roosevelt School for work well done. And a special recognition and best wishes to Lenny Rodriguez, a very courageous young man.

For 11 years the Panasonic KWN program has been helping young people learn about issues that affect them, their classmates and their community. And in its efforts to bridge the digital divide, KWN encourages students' discovery of what technology can do to enhance their educational experience. Therefore, I commend Don Iwatani, Panasonic's Chairman and CEO of North American operations, for his leadership and support. The effort of KWN to bring information, knowledge, and understanding of current events to tomorrow's citizens will make a difference in the world we all share. Kid Witness News certainly has made a difference in the lives of children in New Jersey and throughout the United States.

I ask my colleagues to join me in recognizing the talented students and teachers who have contributed to the great success of Panasonic's Kid Witness News program.

TRIBUTE TO ANNE M. GLATT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend and constituent of the sixth district whose unselfish service for over 35 years has left a lasting impression in the hearts of members of both her Temple and her community.

Born in Poland and raised in a Yiddish-speaking home in Montreal, following her family's 1930 emigration to Canada, Anne M. Glatt's early education included both public school and a six-day cheder. After three years of college, Anne moved to the United States in 1950, living first in the Branch Brook Park section of Newark, NJ, then Jamestown, NY, and finally settling down in the Edison-Highland Park area in July, 1964.

When she arrived, Anne immediately began looking for a Hebrew School for her three daughters and called the Highland Park Conservative Temple and Center. Once all financial arrangements for her daughters' schooling were arranged, Anne politely suggested to Executive Director Reuben S. Silver that the Temple might be able to use a bookkeeper. Director Silver agreed and thus began an extraordinary relationship that continues to this day. Anne was kindly welcomed by all at the Temple, and found a particularly warm friend in the new young Rabbi Yakov R. Hilsenrath, with whom she often engaged in spirited conversation.

After having been single for 23 years, Anne met Moishe Glatt in 1982, and the two were married in 1986. They will soon be celebrating 15 wonderful years together.

Anne has been a loving mother, grandmother, wife, sister, and most of all, friend to everyone who has had the good fortune of meeting her. She has been the caring voice on the other end of the phone, shining smile behind the desk, and confidante in times of need. Her genuinely good nature and tireless devotion to her community have rightfully earned her the Temple's prestigious Chaver Award for exemplary service.

It is my sincere hope that my colleagues will join me in honoring Anne M. Glatt for her nearly four decades of dedication to the Highland Park Jewish community and wish her all the best in the years to come.

CONGRATULATIONS TO PRESIDENT CHEN SHUI-BIAN OF TAIWAN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. ENGLISH. Mr. Speaker, as the Republic of China on Taiwan prepares to celebrate President Chen Shui-bian's first anniversary in office, I wish to extend to President Chen and the people of Taiwan my congratulations.

Despite its diplomatic isolation, Taiwan is a proud nation that has made extraordinary progress in recent years. It has an exemplary democracy with free elections, free press and respect for human rights.

For decades, the United States and its people are united in supporting Taiwan's pursuit of freedom and democracy. We will continue to support Taiwan and its people. Peace and security in the Taiwan Strait is vital to the security interests of all nations in the area.

Congratulations, President Chen on a job well done.

MEMORIALIZING MARY BIANCHINI'S LIFE AND SERVICE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. GILMAN. Mr. Speaker, I rise today to recognize and remember the life and service of my dear friend and tireless advocate, Mary Bianchini of Nyack, NY.

Throughout her life, Mary Bianchini has not only served her family and friends, but our communities with her unwavering kindness and commitment. She devoted a lifetime to service to others—as a nurse, as a media personality, and as a linchpin in numerous charitable endeavors. It is therefore appropriate that we reflect upon Mary's many significant accomplishments and as a dear friend to so many of us that we pause and express our love to her which she has showered upon us all these many years.

A cover story in the January–February 1987 issue of ''Geriatric Nursing'' recounted how Mary emigrated to the United States from Italy with her family at a young age. In 1929, she married the man her parents had chosen for her even before that union found a firm foundation in love. In fact, Mary remained married until her husband's untimely death in the late 1950's, nearly 30 years after their nuptials.

Mary was a devoted housewife and mother, but as happened with all too many Americans at that time, the Great Depression threw a wrench into her plans. Forced to find employment in a shoe factory, Mary had to seek new employment when that establishment burned down and upon applying to become a telephone operator at the Rockland State Hospital, she was told there were no vacancies, but would be hired if she would help out in patient care. From that experience on, Mary was dedicated to helping others.

Mary demonstrated a natural skill in caring for the ill. She became a licensed practical nurse in 1938, and soon earned a reputation statewide for her compassion, skill, common sense, and her advocacy for nurses.

Mary served as an officer in the New York State Practical Nurses Association from 1948 until 1962. In those positions, her reputation as a feisty defender of the underdog was assured. In the 1960's, Mary embarked on a completely new career as host of her own radio, and cable television programs. Soon, the movers and shakers in all aspects of society were seeking to be interviewed by this remarkable woman, not quite five feet high. Her popular broadcast interviews continued until well into the 1980's.

Mary, who was often referred to as ''Rockland's First Lady,'' received many awards and recognition, including the American Heart Association ''Queen of Hearts'' in 1985, being cited by Governor Mario Cuomo for her service to our State, and as a strong supporter of my Congressional Citizens Advisory Committee on Drugs.

Perhaps Mary's greatest pride was in her own family. Her son, Dr. Valentino Bianchini, is a respected member of the medical profession, who has raised his own family following Mary's lifetime goals.

The poet John Dryden (1631–1700), once said, ''So softly death succeeded life in her/ She did but dream of heaven/and she was there.''

Mary Bianchini will be sorely missed not only by all her family and friends, but by the countless people she has helped throughout her life. As we mark the passing of Mary 'Bee,' our good friend, this outstanding citizen, with her gentle heart, we convey our condolences and prayers to her family as we reflect upon her lifetime and service to us all.

TRIBUTE TO DAVE SCHLESINGER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. FILNER. Mr. Speaker, I rise today to honor the work of the Director of the City of San Diego Metropolitan Wastewater Department (MWWD), Mr. Dave Schlesinger.

Dave is retiring after more than a decade of service to the City of San Diego. During that time he was responsible for managing the planning, design and construction of facilities associated with the upgrade and expansion of the Metropolitan Sewerage System which provides wastewater treatment services to 1.9 million residents from the fifteen cities and districts in the greater San Diego area.

As director of MWWD, Dave headed a team of more than 1,000 employees and full-time consultants, that are also responsible for wastewater collection services for the City of San Diego. The MWWD treats the wastewater generated in a 450-mile-square-mile area stretching from Del Mar to the North, Alpine and Lakeside to the East, and South to the Mexican border. I worked with Dave on a number of projects critical to San Diego. He

was a key member of the team that successfully attained legislative approval of the so-called 301(h) waiver for the Point Loma waste treatment plant. This action saved literally billions of dollars for the taxpayers of San Diego. Without Dave's technical expertise and political acumen, we would not have been successful in this effort.

Dave's talents were also critical to last year's Congressional approval of the Bajagua project to treat Mexican sewage. Dave helped to develop the innovative public-private partnership that promises to solve a 50-year-old problem plaguing San Diego. We always relied on Dave's ''sense of the possible''—both politically and technically—to get over the many obstacles we faced over several years.

Dave is a graduate of the United States Naval Academy in Annapolis, Maryland where he received a Bachelor of Science degree. He also holds a Masters degree in Civil Engineering from the Georgia Institute of Technology in Atlanta. He is a registered professional engineer in the Civil Discipline. He has had nearly 30 years of experience in planning, engineering and construction project management and facilities management. Prior to his service with the City of San Diego, he served as a U.S. Navy Civil Engineer Corps officer for 25 years. He retired with the grade of Captain. Dave is a member of the Society of American Military Engineers, the National Society of Professional Engineers and the Navy League of the United States. He is also involved in numerous technical and professional societies in the San Diego area.

The City of San Diego will greatly miss the services of Dave Schlesinger.

IN HONOR OF DAVID C. FORBES, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Doctor David C. Forbes, Sr., Senior Minister and Pastor of Christian Faith Baptist Church, on the occasion of his receipt of a doctorate in sociology from the University of Virginia. Doctor Forbes was one of eight children born in Raleigh, North Carolina to a Pentecostal Bishop and a sainted mother. He earned a Bachelor of Arts degree from Shaw University, a Master of Social Work degree from Adelphi University and Doctor of Ministry Degree from United Theological Seminary. He has also been awarded several honorary degrees, including a Doctor of Divinity by the Richmond Virginia Seminary, Doctor of Humane Letters by Shaw University and Doctor of Divinity by Shaw Divinity School.

Doctor Forbes was active in the civil rights movement during the 1960's having served as the North Carolina representative for the Student Non-Violent Coordinating Committee (SNCC). Doctor Forbes came to the gospel ministry after an extensive career in education, which included teaching at the elementary and university levels. He was also involved in counseling and social program administration. In addition to the ministerial role, he was Assistant Professor and Director of Admission, School of Social Work, Virginia Commonwealth University for some twelve years. From 1979–1984 Dr. Forbes served as Pastor of St. Peter Baptist Church, Glen Allen/Richmond, Virginia; and from 1983–1990 Senior Minister and Pastor of Martin Street Baptist Church, Raleigh, North Carolina. Dr. Forbes currently serves as Consultant to the President and Dean of The Shaw Divinity School.

Doctor Forbes has also volunteered on numerous committees and boards. He currently serves on the Human Services Taskforce of The North Carolina Local Government Partnership Council, the Board of Building Together Ministries, Board of The United Way of Wake County, and the South-East Raleigh Improvement Commission. In addition, he has a number of publications to his credit. In fact, he is in broad demand as an evangelist, church development consultant, workshop facilitator and keynoter.

Dr. Forbes is married to the former Hazel Baldwin of Lake Waccamaw, North Carolina. 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. Dr. Forbes proudly answers to ''Pa Pa'' and ''Grand Pa'' to five grandsons and four granddaughters.

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.

150TH ANNIVERSARY OF PHOENIX HOME LIFE MUTUAL INSURANCE COMPANY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, 1851 was an extraordinary year. Our country was 75 years old and on the brink of Civil War. In the midst of all the chaos, a small group of Hartford, Connecticut's leading businessmen, religious leaders, cultural and civic leaders, applied for a charter for the formation of The American Temperance Life Insurance Company, which would become Phoenix Home Life Mutual Insurance Company.

On Thursday, Phoenix celebrates its 150th anniversary. It has survived the Civil War, Reconstruction, the Great Depression, two World Wars and the societal upheaval of the late 20th century. Phoenix has endured because the company has always met the needs of its policyholders and customers while upholding its standards of integrity, and industry and community leadership.

Phoenix has through the years been a leader in product innovations: it was the first to insure the temperate, the first to lower rates for women (based on actuarial science), the first to offer policies that covered total families, not just individuals, and the first to lower rates for nonsmokers.

Phoenix has been a leader in business practice innovations: Phoenix was the first to require full-time dedicated agents and led the drive to make the sale of insurance a profession. Phoenix was also the first to develop a publication for its field force and the first company to use direct mail marketing.

Phoenix has been recognized ten times by Working Mother magazine as one of the Top 100 companies for working mothers. It was recognized for its efforts in providing childcare, workplace flexibility, leave for new parents, and advancement of women.

But perhaps most importantly, Phoenix's Chief Executive Officer, Robert W. Fiondella, has proven that the values of community and citizenship made good business sense. Phoenix encourages its employees to volunteer through a policy that allows them to devote 40 hours of company time per year to community activities, provided it is matched by the same amount of personal time. The company also rewards its top 20 professional advisors through its Donor's Award, a program that enables them to designate up to $2,000 to a local charity. Since its inception, the award has benefited many organizations, including the Juvenile Diabetes Foundation, Lou Gehrig Baseball and the Make A Wish Foundation.

Phoenix has spearheaded a $3 million ''Legacy Campaign'' to sustain and grow the Doc Hurley Foundation, the creation of Walter J. ''Doc'' Hurley, who has worked tirelessly for Hartford's youth. Phoenix contributed $250,000 at the start of the campaign and will contribute another $250,000 at the end of it. The campaigns endowment will help high school students go on to college through a scholarships and other support, such and help with purchasing books and completing paperwork. Foundation Trustees will help with mentoring and helping to complete necessary paperwork pertaining to college applications.

Student attendance and mastery test scores have improved at Hartford's Fred D. Wish Elementary School as a result of Phoenix's partnership with the school. For 15 years, employees have worked one-on-one with students in grades three through six to sharpen math and language skills. Phoenix provides transportation each week for students to travel to their Hartford office for tutoring.

Mr. Speaker, at a time when some businesses are scaling back their corporate giving programs, Phoenix is sustaining and even enhancing its involvement. In 1995, Phoenix made an eight-year commitment to Special Olympics International as its first Official Worldwide Partner, setting a standard for volunteerism and civic responsibility few companies can match.

Please join me in offering congratulations on their 150th anniversary and in recognition of Phoenix Home Life Mutual Insurance Company.

HONORING ENRON METHANOL COMPANY AS INDUSTRY OF THE YEAR

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. BENTSEN. Mr. Speaker, I rise to honor Enron Methanol as the 2001 Industry of the Year by the Pasadena Chamber of Commerce. On May 17, 2001 Pasadena Chamber of Commerce Chairman of the Board Larry C.

Johnson will present this 2001 Industry of the Year Award at the Industrial Luncheon at the First United Methodist Church. Although I will not be able to attend this ceremony because I will be in Washington, D.C. fulfilling my official legislative duties, I want to congratulate all of the employees at the Enron Methanol plant and Plant Manager David Bush for their commitment to community service. Helping your neighbors is a valuable goal which we should all applaud.

As you may know, Enron Methanol is the seventh industry recognized by the Pasadena Chamber of Commerce for the overall positive impact they provide to the area. This Award is presented annually to a local business which has contributed to improving our neighborhoods and community.

Enron Methanol has clearly demonstrated their commitment to our area. This year, Enron Methanol employees have worked cooperatively with many local community groups including the United Way, Juvenile Diabetes Foundation, American Heart Association, Pasadena Police Department, Girls Softball, H.O.S.T. program, Pen Pal Program, Science Fair judges, Pasadena Alumni Association, the Emergency Response Team and East Harris County Manufacturing Association as well as the Pasadena Chamber of Commerce. All of these organizations have benefited from the volunteer labor and financial assistance which Enron Methanol employees provide to local organizations.

The Pasadena Enron plant produces Methanol, which is a colorless liquid used in MTBE, Acetic Acid, Formaldehyde, Fuel, and Windshield washer fluid. This facility is one of the world's most energy efficient methanol plants. They provide sixty jobs locally with an annual payroll of $3,600,000 and pay $750,000 in taxes to our area.

Again, I want to congratulate the employees of Enron Methanol and encourage other local business organizations to participate in local volunteer activities to make Pasadena, Texas a better place to live.

FENTON HIGH SCHOOL AND JEFFERSON MIDDLE SCHOOL ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. HYDE. Mr. Speaker, each year I present a challenge to the 6th District high school seniors and to the students attending junior high. The challenge is an essay contest I sponsor in which I choose a topic and ask the student to write about it. The work is judged on originality, creativeness, cohesiveness, writing skills, including sentence and paragraph structure, and neatness. The topic for the Seniors this year was ''The Necessity of the Electoral College,'' and for the junior high students, I asked that they write about James Madison.

I am very pleased to share with my colleagues the essays that won first place. In the senior category, the author of the winning entry is Jeremy Hawbaker who lives in Bensenville and attends Fenton High School. The first place winner in the junior high category is Keith Root of Elmhurst who attends Jefferson Middle School. I thoroughly enjoyed the writing skills of both these young students and am pleased to insert their essays in the RECORD for your enjoyment.

THE NECESSITY OF THE ELECTORAL COLLEGE

(By Jeremy Hawbaker)

In the wake of a highly controversial election, in which a candidate won with less popular votes but more electoral votes than the other candidate, the question of whether the Electoral College should be abolished or not has come up. Questions then arise around that. What exactly is the purpose, the original purpose, the Founders put it in place for? What would be the advantage of abolishing it in favor of election by purely popular vote? What other method is there?

The purpose of the Electoral College, as the Framers of the Constitution made it, was that with this system, more populated states would not be able to dominate over the less populated states in the presidential elections. This was a compromise made between those who favored power in the states and those who favored the power in the people. This was also a precautionary measure. The Founders created the United States of America as a republic, not a democracy as many would have one believe. They knew when they formed the nation that a democracy could quickly lead to mob rule and eventually tyranny, the farthest thing that they wanted having just fought a war to rid themselves of the tyranny of the British government. In a republic, there would be a government of law that would protect the rights of an individual. As James Madison wrote, many important issues ''are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.'' In other words, people too often vote the way in which they are misled by politicians who claim to have the people's best interests in mind. Decisions are made by emotion rather than intellect. Instead, in the republic that America is currently, decisions are made by close deliberation. The Founding Fathers also knew their history. They were aware that unlimited power could not be trusted to anyone, including the people. As constitutional scholar Dan Smoot pointed out, ''they devised a system to control political power by dispersing it and balancing it so that too much power could not be concentrated in one place.'' The Electoral College system was also made to protect the people from despots. Once again, from their knowledge of history, the Framers knew that in past democracies in which leaders were chosen by the people alone tyrants had quickly arisen. For example. Caesar, elected by the people with promises of more property, quickly seized power. As Benjamin Franklin put it, ''There is scarce a king in a hundred who would not, if he could, follow the example of Pharaoh, get first at the people's money, then all their lands, and then make them and their children servants forever.'' This has also happened since the Founders. One of the more obvious examples is that of Adolf Hitler who was elected by a democratic election. Hitler, after becoming Chancellor of Germany, rapidly pooled up as much power as possible and abolished the independence of the German states. This was not because this is what the German people wanted. They were unfortunately ignorant of what Hitler truly wanted and instead listened to his promises of security and greatness. Perhaps if such an institution such as the Electoral College existed in Germany this would not have happened. As Fisher Ames, one of America's first congressmen aptly put it, ''Every step . . . towards a more complete unmixed democracy is an advance towards destruction; it is treading where the ground is treacherous and excavated for an explosion. Liberty has never lasted long in a democracy; nor has it ever ended in anything better than despotism.''

Many people today feel however that popular vote is a much better way of determining who the next president should be. What are the advantages of this then? Or rather should I say what are the disadvantages? One possible advantage is that by abolishing the electoral College, the election process is simplified. The principle of ''one person, one vote'' is upheld. However, there are many disadvantages. One problem with this method is that it worsens the problems associated with a two-party system. ''Split votes'' become a serious problem in that if two candidates divide the vote of those who agree with them, a dissimilar third candidate would receive the plurality of the votes even if the electorate sides more with the pair. A larger problem though is that this would require an amendment, an amendment that would most likely never be able to be passed. An amendment requires three-fourths of the states to support it. In an amendment such as this, most states would lose their influence in presidential politics. Few states would endorse this.

What then is there to do? I suggest retaining the Electoral College but reforming it. Instead of the ''winner-takes-all'' system that the Electoral College runs under now, electors should instead be chosen by congressional districts, with two electors-at-large for the senators in each state. With this idea, candidates would receive an electoral vote from each district they win. This would much more accurately reflect popular mandate. An advantage of this is that it would not take a Constitutional amendment. States can already do this if they wish, a couple of states already do. In this last election, the results would have been much more simplified as well. Bush won counties with an aggregate population of 143 million, compared to the 127 million that Gore would have won. This system would preserve then the weighting of votes in favor of the less populous states instead of letting the more populous states totally dominate over presidential elections.

To keep our country secure and free then, the Electoral College should by all means stay as part of our government. However, I do believe that the process should be looked at due to the amount of controversy recently surrounding it.

JAMES MADISON, THE FATHER OF THE CONSTITUTION

(By Keith Root)

James Madison, the president of the United States from 1809-1817, is known today as the Father of the Constitution because of his major role in the Constitutional Convention. His many other accomplishments include serving as Thomas Jefferson's secretary of state from 1801–1809 and sponsoring the Bill of Rights.

James Madison was born on March 16, 1751 in Port Conway, Virginia. He was the son and heir to a wealthy planter. He received a full education, and graduated from the College of New Jersey (which is now Princeton University) in 1771. In 1776, he was elected to the Virginia Convention, a convention that was called to urge independence from Britain. He was elected in 1780 to the Continental Congress, of which he was the youngest member. Despite this potential drawback, he gained much respect and rose to a position of leadership. During his term he worked with Alexander Hamilton (unsuccessfully) to give Congress the power to tax and regulate trade.

Madison was instrumental in persuading Congress to revise the Articles of Confederation (the current constitution at that

time) and, ultimately, create the Constitution that we have today. The Constitutional Convention met in May 1787 in Philadelphia. Madison played a huge role. He drafted the Virginia Plan, the basis for the new government's structure. He also created the checks and balances system, which insures that none of the branches of government become too powerful. Madison, Alexander Hamilton, and John Jay created the Federalist Papers, essays that defended the Constitution against people who feared a strong central government. Madison then shepherded the new Constitution through the ratification process through 1787 and 1788.

Madison was elected to the House of Representatives in 1789, where he sponsored the Bill of Rights, the first ten amendments to the Constitution. He broke with Alexander Hamilton and the Federalist Party in 1791 and joined Thomas Jefferson and James Monroe in creating the Democratic-Republican, or Jeffersonian Republican, Party. In 1794, Madison married Dolley Payne Todd, who was a widow.

In 1801 Madison was appointed secretary of state under Thomas Jefferson, where he failed to persuade the British to stop interfering with American trade. In 1809, he ran in the presidential election and defeated Charles Pickney, the Federalist Candidate with 122 electoral votes to 47. He repealed the embargo by which Thomas Jefferson (who was President before him) tried to avoid war with Europe by banning trade with them. (The major European powers were at war themselves.) However, this didn't stop tensions between Britain and America. Madison declared the War of 1812 on June 12. In 1814, Madison replaced Secretary of War John Armstrong (who wasn't managing the war very well) with James Monroe when Washington was captured. A peace treaty was signed in Belgium in December 1814, but it didn't solve any of the outstanding issues between the U.S. and Britain.

After the war, Madison chartered a national bank and negotiated an agreement (called the Rush-Bagot Agreement) for demilitarization of the frontier between the U.S. and Canada. However, this agreement wasn't ratified until Madison had left office.

When Madison left office, he retired to his estate in Orange County, Virginia. He avoided further participation in politics, and helped Thomas Jefferson found the University of Virginia in 1826. Ten years later, at his estate, James Madison died. That night, American lost one of the most important men in its development as a country.

TRIBUTE TO BEAVER COUNTY POLICE OFFICERS

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Ms. HART. Mr. Speaker, I rise to the floor today to pay tribute to the law enforcement community of Beaver County, Pennsylvania. These heroic men and women of uniform will be honored on Friday, May 18, 2001 as part of Peace Officers Memorial Day.

Pursuant to a joint resolution of the United States Congress issued June 21, 1961, the President of the United States has designated a week in May as Police Week, in honor of the federal, state, and municipal law enforcement officers who have lost their lives or suffered injuries while safeguarding the lives and properties of the communities they serve.

I join all the residents of Beaver County in recognizing the courageous service these police officers provide to their communities. Their dedication to protecting and preserving the laws of this great land and ensuring that all citizens receive justice deserves the praise and gratitude of all Americans.

I congratulate these men and women who selflessly risk their lives to protect ours, and I thank them for all their service.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

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:

Ms. McCOLLUM. Mr. Chairman, once again, I would like to speak in opposition to the DeLay amendment to H.R. 1646.

The intent of the International Criminal Court (ICC) is to try individual perpetrators of genocide, war crimes and crimes against humanity when nations cannot or will not hold perpetrators accountable. I can think of no Member of the U.S. Congress, the administration, or any federal agency, including the Department of Defense and all branches of our armed forces, opposed to ensuring that war criminals are brought to justice. If the accused perpetrator of a war crime is an American citizen, civilian or soldier, then I would strongly support our civilian and/or military systems of justice do everything in their power to bring this individual to trial in the appropriate American court as would be permissible under the ICC treaty.

The argument by supporters of this amendment that American servicemen and servicewomen would be at risk of being tried in foreign courts under the ICC treaty is not accurate. Presently, any alleged crime, including war crimes, committed by U.S. citizens on foreign soil can already be tried in that nation's courts. The ICC would do nothing to diminish the role a U.S. court would have in bringing to trial accused war criminals if they were American citizens. In fact, the ICC could only intervene in trying Americans in the very unlikely event that the American judicial system would be unwilling or unable to try a case.

I do not believe the formation of the ICC will threaten American military personnel. The ICC will provide a forum to bring individuals to justice that commit the most heinous and inhuman acts of systematic violence around the world. To ensure that the U.S. Congress is committed to achieve this needed justice I oppose the DeLay amendment.

TRIBUTE TO MRS. BETTY R. HORNER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mrs. Betty R. Horner, Conejo Valley Civic Leader and pioneer in the communities of Westlake Village and Thousand Oaks, California. Her volunteer service spans more than 32 years.

Betty Horner's community service began in 1968, in the Westlake Village Foxmoor neighborhood homeowners association. At the same time, she was a baseball and cheerleader team mother with the Westlake Athletic Association. She also worked with the PTA and PFA in her neighborhood schools.

While raising her family of three children, Cynthia, Larry Jr., and Kymberly, and helping support her husband Larry Sr.'s professional and political career, Betty began to fashion a civic and philanthropic career for herself.

Betty's distinguished community involvement includes service as the First Lady of Thousands Oaks and Charge d'Affaires (official hostess for the City of Thousand Oaks). This role required her attendance at public ceremonies, meeting with public officials and dignitaries, representing the City of Thousand Oaks, performing ribbon cuttings, and presenting commendations. She was tenacious and carried out her duties with much style and grace. She attended all City Council meetings for 15½ years, a record unequaled by anyone in the city.

Due to her engaging personality and knowledge of the community, Betty has been asked to serve on many prestigious public and private boards and committees. She is an original member of the City of Thousand Oaks' Volunteers in Policing Team and at 65 years of age she can be seen patrolling neighborhoods to help keep our community safe. In 1976, she joined the Westlake Women's club, serving as its president during 1987–88. This philanthropic organization raises thousands of dollars annually for various local organizations and charities. Betty was also instrumental in helping to build the Thousand Oaks Library, and has served on the Library Foundation Board.

She was also selected by the Automobile Club of Southern California to serve on their Advisory Board for seven years.

Betty has received numerous honors and recognitions, including Woman of the Year from the Conejo Valley Chamber of Commerce and was also chosen as one of the ten Outstanding Women in Southern California by Coca Cola Bottling Co. and the Los Angeles Sentinel.

Mr. Speaker, please join me in congratulating Betty R. Horner for her many contributions and years of dedication to the Conejo Valley.

TRIBUTE TO ATTORNEY CONSTANCE SLAUGHTER-HARVEY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay special tribute to Attorney Constance Slaughter-Harvey. Attorney Harvey is a persistent trail blazer in a world of challenges. For 31 years, she has dedicated her life to legal and public service.

Attorney Harvey, a native of Scott County, received her undergraduate degree in Political Science and Economics from Tougaloo College in 1967. In 1970, she became the first African American female to receive a law degree from the University of Mississippi.

Upon graduation she was staff attorney for the Lawyers' Committee for Civil Rights Under Law, executive director of Southern Legal Rights and director of East Mississippi Legal Services.

Among her other outstanding achievements, attorney Slaughter-Harvey is the first African American female to serve as Student Government President at Tougaloo College (1967); to be appointed to serve as judge in Mississippi (1976); to be the president (first female) of the National Association of State Elections Directors (1991); Executive Director of the Governor's Office of Human Development (1980–1984); and to serve as Assistant Secretary of State for Elections, Public Lands and General Counsel for the State of Mississippi (1984–1995).

Attorney Slaughter-Harvey is the first African American female to receive the 2001 Outstanding Woman Lawyer Award given by the Mississippi Women Lawyers' Association.

Among her honors is the Constance Slaughter Harvey Endowed Chair in Political Science/Pre-Law at Tougaloo College. The University of Mississippi named the Black Law Student Association in her honor in 1998. She was 1 of 8 founders (the only female) of the National Black Law Student Association in 1969 at Rutgers in New Jersey.

In 1970, she successfully argued Morrow v. Crisler, which led to the desegregation of the Mississippi Highway Patrol. She filed a 3.8 million dollar lawsuit in 1970, Myrtle Green Burton v. John Bell Williams, against the state of Mississippi and other defendants for wrongful deaths of Jackson State student, Phillip Gibbs and Jim Hill student, James Earl Green.

Presently she is engaged in private practice in Scott County. She is president of Elections, Inc, the Scott County Bar Association, the Magnolia Bar Association and the W.L. and Olivia Slaughter Memorial Foundation. The W.L. and Olivia Slaughter Memorial Foundation is a tribute to the legacy of her parents who lived in Forest and the legacy includes a foundation, library, residential subdivision and office building complex where her law office is located. She has been an adjunct professor at Tougaloo College or 31 years.

Mr. Speaker, Attorney Harvey is proudly recognized by the state of Mississippi and the United States of America as a visionary for all people. On behalf of the people of the 2nd Congressional district, I salute her.

IN SPECIAL RECOGNITION OF MATTHEW J. LENZER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MERCHANT MARINE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Matthew J. Lenzer of Wellington, Ohio, has been offered an appointment to attend the United States Merchant Marine Academy, Kings Point, New York.

Mr. Speaker, Matthew's offer of appointment poises him to attend the United States Merchant Marine Academy this fall with the incoming midshipmen class of 2005. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Matthew brings an enormous amount of leadership, service, and dedication to the incoming class of Merchant Marines. While attending Keystone High School in Lagrange, Matthew has attained a grade point average of 3.91, which places him fifth in his class of one hundred twenty-seven students. Matthew is a member of the National Honors Society. Buckeye Boy's State and has attended that National Young Leaders Conference. Also, he has been awarded an All A's Citizenship Award and the Bausch and Lomb Science Award.

Outside the classroom, Matthew has been active in the performing arts. He is a member of the marching band and pep band and is very active in his church.

Mr. Speaker, I am proud to rise today to pay special tribute to Matthew J. Lenzer. Our service academies offer the finest education and military training available anywhere in the world. I am confident that Matthew will do very well during his career at the Merchant Marine Academy and I ask my colleagues to join me in wishing him well as he begins his service to the nation.

FRANK BAUMAN: HONORED COMMUNITY SERVANT

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. WU. Mr. Speaker, I rise today in honor of Frank A. Bauman, a native Portlander, whose 80th birthday will be celebrated on June 10, 2001. Mr. Bauman has dedicated his life to making enormous contributions to our city, the state of Oregon, and the international community. It is my personal privilege to bring my colleagues' attention the outstanding accomplishments of this great Oregonian.

Mr. Bauman was admitted into the Oregon Bar in 1950 after graduating from our shared alma mater, Yale Law School, and practiced law in Portland for many years. During that period, he devoted substantial time to many worthwhile civic endeavors, where he held significant leadership positions, including:

First Chairman, Oregon State Bar Committee on World Peace through Law; President, United Nations Association (Portland Chapter and the Oregon Association, (two times); President, World Affairs Council of Oregon (two times); Chairman, Committee on Foreign Relations (two times); Chairman, Scholarship Committee of the University Club of Portland; Board of Directors, English Speaking Union; Master, Oregon-Ashlar Masonic Lodge, Member of the Chess for Success, which has established chess programs in 30 Portland public schools and has been hailed by The Oregonian as the most significant extracurricular activity in the public school system.

Mr. Bauman's dedicated and effective leadership was recognized in 1971 when he was appointed by the United Nations Secretary General to serve as Resident Representative for the United Nations Children Fund, United Nations High Commission for Refugees, United Nations Development Programme, and the United Nations Information Office in Australia, New Zealand, Papua New Guinea, and Fiji. Mr. Bauman executed these responsibilities very capably, while serving as the Chief Administrator of United Nations activities in Australia and conducting outreach relations with National and Regional Committees to deal with long-term development for Third World Countries.

Mr. Bauman's commitment to society was further recognized in 1998 when he was awarded the E.B. MacNaughton Civil Liberties Award for his legal work in Mississippi in the 1960's on behalf of African Americans.

It is my honor today, on the floor of the United States House of Representatives, to commend to my esteemed Members of Congress, the 80th birthday and extraordinary achievements of Frank A. Bauman.

FROM OUR FAMILY TO YOURS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mrs. WILSON. Mr. Speaker, they say salsa is now our country's #1 condiment, beating out even the ketchup bottle. A New Mexico company known nationally for their salsa—and their green chile, and their tamales—is celebrating its 50th year of business this month.

Bueno Foods takes pride in sharing a part of New Mexico's culture through the wonderful food they produce and market nationally. Please join me in congratulating Bueno Foods and the Baca Family on fifty successful years and thank them for their contributions to our community.

In the beginning, for the Baca brothers, the company was a way to provide jobs for themselves and members of their community. After serving in WWII several of the brothers had difficulty finding jobs in Albuquerque. Their father Refujio had worked for the Santa Fe Railroad all his life but had always dreamed of owning his own business. He encouraged his sons to start their own business.

The Ace Food Store, a neighborhood ''mom and pop'' grocery store, was born. They later

saw a need to take their business in another direction. They expanded the store into carry-out, which featured traditional recipes by Filomena, the Baca brothers' mother, Also at this time freezers were becoming popular. The Baca brothers recalled the yearly family tradition popular throughout New Mexico for roasting fresh green chile over an open flame and freezing it for the winter months. They decided to take this home process into a commercial one and make this very special family tradition the focus of their restaurant and retail product lines. Food processing became their niche.

Under the leadership of Jacqueline Baca, President (the daughter of founder Joe Baca), Bueno Foods' sales have grown six-fold and the number of employees has tripled. She started in the business at the age of 16 making tamales. Jacqueline is joined by her siblings in the family business. Gene Baca is Senior Vice President, Catherine Baca, MD, is Vice President of Research and Development, Ana Baca is Communications Manager and Marijo Baca pioneered the distribution of Bueno's products in the Colorado market. Together, they make the company's slogan ''From Our Family to Yours'' a reality.

The Baca Family is committed to our community. From its start with 5 employees to more than 240, located in the Barelas Industrial Park, Bueno is one of the largest employers in this ''Pocket of Poverty.'' Bueno contributes between 3 and 6 percent of after-tax profits to organizations that help people meet basic needs including housing, food and education. Among the many honors earned by Bueno Foods, in April 2000, they received the first annual New Mexico Ethics in Business Award recognizing the integrity, ethical conduct and the highest standards of civic and social responsibility that is part of daily operations within the company.

Please join me and other New Mexican's in honoring the Baca Family and Bueno Foods.

ALGERIA TRIP REPORT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. PITTS. Mr. Speaker, on February 24–26, 2001, accompanied by former Ambassador David Laux, I traveled to Algeria to meet with key officials and attend celebrations of the 25th anniversary of the Sahrawi Republic in the Sahrawi refugee camps in Tindouf, Algeria. The meetings and discussions with the President, Prime Minister and Cabinet Members in Algeria reflected officials who hold great concern for their nation and the development of their economy and society, as well as concern for North Africa and the whole of Africa.

Creative solutions were presented for problems facing the government as they seek to modernize the financial, security, and democracy aspects of Algeria. There were clear indications that the Algerian government desires to stabilize their economy to attract foreign, particularly U.S. investment (current U.S. investment is $3.5 billion, projected to grow to $6 billion in the next two years due to increased energy investment), and to cooperate in security/terrorism issues with the U.S. Government. A two and a half hour meeting with President Bouteflicka revealed a statesman with great insight, leadership abilities and vision for his nation and the continent, exemplified in the President's key role in helping bring peace in the Ethiopia/Eritrea conflict and his leadership in the OAU in pursuing economic development in all of Africa. The impressive character and qualities of the President also are reflected in his Cabinet and the current Ambassador of Algeria serving in Washington, D.C. His Excellency Idriss Jazairy.

The Algerian people and government are also to be commended for their great hospitality towards the Sahrawi refugees. Many of the Sahrawi people fled their homeland of Western Sahara over 25 years ago due to the conflict over Western Sahara. The Algerian people have graciously allowed the Sahrawis to live in refugee camps in Tindouf and have been supportive of humanitarian aid to assist the refugees arriving from all over the world. Under the leadership of President Bouteflicka, Algeria has continued to extend hospitality to the refugees and not presented obstacles to the Sahrawis governing themselves in the Sahrawi Democratic Republic.

Upon my return to the United States, I shared my impressions about Algeria with a number of individuals, including Secretary of State Colin Powell. I suggested to Secretary Powell the idea of holding an Africa Summit with key African leaders, such as President Bouteflicka of Algeria, for President Bush to listen and learn from those leaders as he shapes his policies on Africa and for the African leaders to garner international support for their vision to help eliminate poverty, elevate standards of living, and bring hope to the people of Africa through a variety of measures.

In light of the various visions and solutions discussed in the meetings, there are several long term and short term practical actions the people of Pennsylvania and the U.S. government can take to support democratic, economic, and security developments in Algeria. My hope is to assist in building a strong relationship between the people of Algeria and United States and our governments through the following projects:

Encourage President Bush to hold an Africa Summit with the leaders of the OAU in which the President can learn about Africa and African leaders can share ways in which the international community can support their vision to help the people of Africa.

Assist the Algerian Minister of Agriculture on his visit to the U.S. by arranging meetings with leading agricultural companies and producers.

Interact with leading U.S. wheat producers regarding the potential opportunities for investment in Algeria.

Encourage the U.S. Department of State, Near East Division, about the need for increased counter-terrorism training and cooperation between Algeria and the United States.

Encourage the establishment of an Algerian-U.S. business council.

Assist in coordinating training seminars for Algerian Army regarding democracy and human rights.

Assist in coordinating police training seminars for Algerian police.

Assist in coordinating lecture, seminar series/academic exchanges at U.S. and Algerian universities.

Investigate water resource issues and possible expertise cooperation.

People to people exchanges and humanitarian projects, including medical equipment, police/forensics equipment, English textbooks, etc.

TRIBUTE TO DR. BETTY WARD FLETCHER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay special tribute to Dr. Betty Ward Fletcher. Dr. Fletcher is a trail blazer, a persistent advocate, a remarkable woman and outstanding leader. She has proven time and time again that one person can make a difference.

Dr. Fletcher, a native of Rankin County, received her undergraduate degree in Sociology from Tougaloo College. She received her master and doctoral in Social Work from the University of Alabama, Tuscaloosa.

From 1975 through 2000, Dr. Fletcher dedicated her life to providing information and ideas on behaviors of societies to Jackson State University. She was the founding director of the Student Intervention and Information Program of Interdisciplinary Alcohol/Drug Studies Center. She has worked in various scholarly positions such as Associate Director of Graduate Program in Alcohol/Drug Studies, Instructor, Associate Professor, Acting Director, Acting Graduate Dean and Vice President for Research and Development of Sociology Department. In addition, she excelled her instructional focus on research and evaluation of sociology by serving as an adjunct Professor at the University of Southern Mississippi, School of Social Work.

Dr. Fletcher's research focus has been the study of social and behavioral correlation of substance abuse and HIV/AIDS. She has generated over $17.5 million in externally funded initiatives, while simultaneously fulfilling her administrative duties.

In 1999, Dr. Fletcher was Jackson State's first-ever Vice President for Research and Development. During her leadership, the University garnered a $2 million donation and a $12.9 million research award. This award was to serve as the coordination center for the Jackson Heart Study, the largest study of cardiovascular disease ever undertaken in the nation.

In 1999, Dr. Fletcher was named Interim President of Jackson State University by unanimous consent of the Board of Trustees, State Institutions of Higher Learning. She was then labeled a ''charismatic, courageous and visionary leader'' for her success in launching the School of Engineering and building a strong support base with the business community for the University.

In 2000, she was appointed as Executive Director of the Mississippi Department of Human Services (MDHS) and had oversight for a $438 million budget and 4,168 employees. Dr. Fletcher made a positive difference and a goal was to build cooperative working relationships with other state agencies.

Mr. Speaker, Dr. Fletcher is proudly recognized by the state of Mississippi and the United States of America as a visionary for all people. On behalf of the people of the 2nd Congressional district, I salute her.

TRIBUTE TO BARBARA J. SMITH

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. LATOURETTE. Mr. Speaker, I rise today to honor a very special constituent, Barbara J. Smith, on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. This award is the OWBA's highest award for professional excellence and is bestowed annually on a deserving attorney who exhibits leadership in the areas of advancing the status and interests of women and in improving the legal profession in the state of Ohio. It gives me great pleasure to wish Ms. Smith my warmest congratulations on this truly special occasion.

Barbara Smith is currently a shareholder of McDonald, Hopkins, Burke & Haber Co., L.P.A. in Cleveland. She attended Old Dominion College (B.A., 1968); Pepperdine University (M.B.A. 1974, magna cum laude); and Case Western Reserve University (J.D. 1977, magna cum laude).

She is a former President of the OWB (1994–1995) and is one of its original members. The OWBA was initially formed in 1991 and is the only statewide bar association within Ohio solely dedicated toward advancing the interests of women attorneys while encouraging networking and the creation of a statewide mentor program for women attorneys. The 2001–2002 membership year celebrates the OWBA's 10th Anniversary.

Barb has also served as President of the Cleveland Bar Association. At the time she served, she was only the third female president in its 125-year history.

At the same time, Ms. Smith has been active in the community on issues affecting women and minorities, including Ohio Attorney's Assault on Domestic Violence, a Charter Fellow and member of the Cleveland Bar Foundation Board of Trustees and a member of The Federated Church—Multi-racial, Multicultural Task Force.

Ms. Smith has been recognized for excellence in her legal work including Who's Who in American Law, Who's Who in America and The Best Lawyers in America for Health Law.

On May 21, 2001, OWBA President Helen Mac Murray will be presenting Ms. Smith with the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction at its Annual Meeting in Cleveland, Ohio.

It gives me great pleasure to rise today, Mr. Speaker, and join the OWBA in congratulating Barbara Smith and wishing her continued success.

INTRODUCTION OF DUTY DRAWBACK LEGISLATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. BRADY of Texas. Mr. Speaker, today I am introducing legislation to change the drawback and other trade laws in order to make their interpretation, administration and implementation less cumbersome for the U.S. Customs Service. More importantly, the provisions of this legislation will ease the regulatory and administrative burdens imposed by the current regulatory structure on U.S. companies by making them more competitive in the global marketplace when competing against foreign exports of similar or like products.

Since this issue is very technical Mr. Speaker, let me briefly describe what duty drawback is and how this legislation will help. Specifically, duty drawback is the refund of 99% of the duty paid to Customs on an imported product when the imported product, or a product that is substantially similar or commercially interchangeable with the imported product, is later exported from the U.S.

For example, a manufacturer of widgets may import a widget into the West Coast of the U.S., paying a duty of US $10. The same company then produces the same type or quality of widget in Texas and exports it to Mexico. The company may claim a refund of US $9 of the duty paid on the West Coast import as it is substantially similar to or commercially interchangeable with the exported widget.

Therefore, drawback levels the playing field and allows U.S. companies to remain competitive in the international market when competing against foreign companies for export sales and in export markets.

I urge my colleagues to support this legislation. I look forward to working with my colleagues to see it enacted into law.

INTRODUCTION OF THE BLACK FARMERS FAIRNESS ACT OF 2001

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, today I am introducing the Black Farmers Fairness Act. This legislation will bring to closure a series of injustices our government has committed to a large number of black farmers throughout the country. For many years, this group of dedicated farmers experienced various acts of discrimination by the United States Department of Agriculture.

In 1997, three brave farmers entered into a lawsuit with USDA to correct injustices they had experienced. Two months later they were joined by 11 additional farmers. As more and more black farmers learned of and joined this lawsuit, the suit was changed to a class action suit. For months, government attorneys blocked settlement of their complaint due to a ''statute of limitation'' argument.

In 1998, the House extended the ''statute of limitations'' for the black farmer lawsuit—allowing justice to run its full course. Without this provision, many of these farmers would have not been legally permitted to receive consideration for the civil rights complaints. Before this provision, government attorneys argued that they could not settle complaints beyond the two-year period of each complaint.

Finally, it appeared that justice would prevail. On April 14, 1999, a court ruled in a class action suit that the black farmers would be awarded $50,000 each in a cash settlement as well as forgiveness for debts resulting from discrimination for the past injustices.

I discovered, however, that a significant portion of this settlement could potentially end up right back here in Washington through various taxes. That's an outrage! These farmers were discriminated against; no part of their settlement should be taken by the government. That is why I am introducing this bill.

This legislation does two things. First, it lifts the tax burden (income tax as well as estate tax) associated with both the cash payment and debt forgiveness aspects of the settlement. Second, it releases class members from having to include settlement benefits in determining eligibility for federal assistance programs.

Mr. Speaker, this Congress has an obligation to finish what it started in 1998. We have the opportunity and responsibility to give back every cent to those who were denied the opportunity to pursue the American Dream. I encourage my colleagues to join me by supporting the Black Farmers Fairness Act.

TRIBUTE TO RUBEN SIVERLING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. GRAVES Mr. Speaker, I rise today to recognize Mr. Ruben Siverling, the recipient of the Clay/Platte Development Corporation's Small Business Advocate of the Year.

Mr. Siverling is a full-time business consultant serving on the staff at the Rockhurst University Small Business Development Center. During his years as a consultant to the Small Business Community in the Kansas City region, he has helped start or expand over 1,700 small businesses.

Mr. Siverling was instrumental in opening a satellite Small Business Development Center in the Missouri 6th District. Being a resident of the district, he saw firsthand the growth in the Northland region of Kansas City and understood the importance of a guiding presence to help the area's burgeoning entrepreneurs. His dedication to this cause is proven in the early mornings, long days and late evenings that he endures to help each and every one of his clients achieve success. Success to him does not only involve just having a client receive a loan, but all facets of learning the start-up process. Whether it is revising a loan package that was not approved on the first submittal, or following through with revision and follow-up meetings, he ensures that the small business client is getting a first-class education that will help their business flourish.

I commend the Clay/Platte Development Corporation on choosing Mr. Ruben Siverling as their Small Business Advocate of the Year, and once again congratulate and thank Mr. Siverling for his years of hard work and dedication to the Small Business Community.

NATIONAL PEACE OFFICERS MEMORIAL DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay tribute to the men and women who are part of the blue line that keep our

homes, our families, and our neighborhoods safe and secure.

Every day, they put themselves in the line of fire, confronting crime and those who engage in it, to make our communities a better place to live.

Our nation's law enforcement officers put their lives on the line, just like the men and women of our armed forces, to protect Americans. For that reason, I have introduced legislation that would provide a Capitol-flown flag for deceased law enforcement officers. H.R. 94 would be a step toward this deserved recognition.

I encourage other Members to join me in passing this legislation, to properly show our appreciation for the risk that our nation's law enforcement officers take just by showing up at work every day.

TRIBUTE TO LLOYD E. LEWIS, JR.

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. HALL of Ohio. Mr. Speaker, with sadness and regret, I rise to pay tribute to Lloyd E. Lewis, Jr., a city commissioner of Dayton, Ohio, who recently passed away at the age of 74. Throughout his life, Lloyd was a model civic leader who dedicated himself to the community he loved so dearly.

Lloyd's record of service to Dayton goes back almost half a century and includes serving two terms in the Ohio House of Representatives and working as a Dayton assistant city manager. He also served two terms as chairman of the Dayton Plan Board.

Lloyd was a member of the Dayton Foundation board, Miami Valley Regional Planning Commission, the State Board of Housing, the United Way of Greater Dayton, City Wide Development Corporation, and the St. Elizabeth Medical Center board.

No one worked more tirelessly on behalf of Dayton. When he was assistant city manager, he even went on runs with the fire crews. During one particularly rough season of blizzards, the Dayton Daily News reported he was ''all but sleeping at city hall.''

The son of a small businessman and the grandson of a shoe shiner, Lloyd was a champion of the average man and woman. His family was one of the first black families to move into his West Side neighborhood. He knew racial discrimination but that only increased his desire to improve his community for all citizens.

Lloyd was a thorough gentleman in all his actions, public and private. He was admired and respected by all who knew him—an extraordinary achievement for someone in public life and a testament to his leadership.

Dayton has lost a great citizen and I have lost a friend.

TAIWAN CELEBRATES ITS PRESIDENT'S FIRST ANNIVERSARY IN OFFICE

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. HILLIARD. Mr. Speaker, our friend in the Pacific, the Republic of China on Taiwan, is a small island nation that has maintained excellent relations with us throughout the years. Although we do not have formal diplomatic relations with the Island, our informal relations with Taiwan in areas such as trade and investment, science and technology, culture and security, and education have been growing steadily year after year.

In addition, Taiwan and the United States share many values in common. Both countries have an abiding attachment to freedom, democracy and human rights. As Taiwan gets ready to celebrate its President's first anniversary in office, I wish to assure President Chen Shui-bian and his people that the American people will always stand behind Taiwan and make sure that it continues to thrive and prosper in the Pacific.

Good Luck and Good Fortune to Taiwan!

GLENDALE HIGH SCHOOL 100 YEAR ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2001

Mr. SCHIFF. Mr. Speaker, I rise to ask my colleagues to join me in congratulating Glendale High School, which celebrates 100 years of academic excellence on May 19, 2001. This was the first high school in the city of Glendale and famous alumni include actors John Wayne and Madeline Stowe, athletes, Brooklyn Dodger Babe Herman and 3 time track Olympian Frank Wykoff, and entrepreneur Bob Wian, founder of Bob's Big Boy restaurants.

Glendale High has grown from an initial enrollment in 1901 of 23 students, but today hosts 3500 students, each of whom receives a comprehensive educational experience designed to prepare them with the skills, knowledge and training necessary to achieve individual goals and to participate as a productive and responsible member of our ever-changing society and in our own multi-cultural environment.

One of the keys to the success of Glendale High School are the independently-organized parent groups that are committed to continued involvement with the school. Another innovation is the unique grade-level student support services, which counsel and follow students from the time they enter until the time they graduate from Glendale High School.

Please help me in congratulating co-principals Mrs. Gloria Vasquez and Mike Livingston, as well as all students, alumni, friends and family of Glendale High School on their 100 anniversary.

WILDLAND FIRE MANAGEMENT ACT

SPEECH OF

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 581) to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for the wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management:

Mr. CANNON. Madam Chairman, in the last eight years my home and the homes of my neighbors have been threatened by fire on the mountain behind our town in Mapleton. I want to thank the heroic, hard working Federal firefighters for how they fought those infernos. My home is in the mouth of a canyon that has a strong and regular evening wind. Had the fire reached the canyon it would have been like a huge blowtorch. Many Utahns have shared the same concerns. We have a lot of homes located along the hundreds of miles of the urban/public lands interface.

Our ways of thinking about fire have shifted in recent years. We understand the benefits of fires in the natural cycles of our public lands. The beautiful areas where we live, the parks and forests that we enjoy, can benefit from reducing the fire risk by reducing fuel loads, prescribed burns, and educating people on fire safety.

To undertake these prevention measures, the Forest Service must first consult with the US Fish and Wildlife Service, ensuring that there will be no adverse effects to animals and especially endangered species. Unfortunately, the USFWS lacks the money to do what is needed.

H.R. 581 will allow the Forest Service to reimburse the Fish and Wildlife Service for their consultations.

Last year, many of the western states, including Utah, experienced some of the worst forest fires in history. Utah's current fire conditions look similar to last year's. According to the National Forest Service, most of the state is at high and very high risk of fire danger. Last year nearly 2,000 fires in Utah burned 228,000 acres of land. In Utah County alone, over 3,200 acres of land were destroyed by 57 fires.

Preventive actions can help save our lands as well as better allocate the taxpayer money spent on putting out fires. The Yellowstone fire of 1988 cost the nation $120 million to fight. Only a fraction of that amount would have been needed for prevention. As prescribed, controlled fire costs about $50 an acre. In a wilderness fire this cost for fighting the fire alone increases to between $200–$400 an acre. That does not include the cost of lost timber, wildlife, or ecological damage. Simply reducing the built-up fuel load that grew during years of fire suppression can have a significant effect on reducing fire danger.

Educating people on fire safety is a key issue as well. In Utah, 60–70% of the fires are either accidentally or intentionally started by humans, Most of these could be avoided with proper understanding.

We must make funding for responsible fire practices a priority. This will improve the sense of serenity for my family, the constituents who I serve, and the many people who live on or near our public lands.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4901–S4968

Measures Introduced: Fifteen bills and one resolution were introduced, as follows: S. 878–892, and S. Res. 89. **Pages S4939–40**

Elementary and Secondary Education Act Authorization: Senate continued 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: **Pages S4901–32**

Adopted:

Brownback/Kohl Amendment No. 413 (to Amendment No. 358), to provide for a study regarding the effects on children of exposure to violent entertainment, and to require the National Assessment of Educational Progress to gather information regarding how much time children spend on various forms of entertainment. **Pages S4914–16**

Edwards Amendment No. 462 (to Amendment No. 358), to provide for an independent analysis to measure school district achievement. **Pages S4916–17**

Carnahan Modified Amendment No. 448 (to Amendment No. 358), to improve the quality of education in our Nation's classrooms. **Page S4920**

Byrd Modified Amendment No. 564 (to Amendment No. 358), to encourage States to require each expelled or suspended student to perform community service for the period of the expulsion or suspension. **Page S4921**

By 61 yeas to 36 nays (Vote No. 104), McCain Amendment No. 477 (to Amendment No. 358), to express the sense of the Senate regarding the transmittal of S. 27, Bipartisan Campaign Reform Act of 2001, as passed by the Senate on April 2, 2001, to the House of Representatives. **Pages S4921–26, S4930–31**

Rejected:

By 48 yeas to 50 nays (Vote No. 103), Kennedy (for Murray) Amendment No. 378 (to Amendment No. 358), to provide for class size reduction programs. **Pages S4901, S4902–14**

Withdrawn:

Carnahan Amendment No. 374 (to Amendment No. 358), to improve the quality of education in our Nation's classrooms. **Pages S4901, S4920**

Pending:

Jeffords Amendment No. 358, in the nature of a substitute. **Pages S4901–32**

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 S4901**

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 S4901**

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. **Page S4901**

Reed Amendment No. 425 (to Amendment No. 358), to revise provisions regarding the Reading First Program. **Page S4901**

Leahy (for Hatch) Amendment No. 424 (to Amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America. **Page S4901**

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 S4901**

Helms Amendment No. 648 (to Amendment No. 574), in the nature of a substitute. **Page S4901**

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 S4901**

Wellstone/Feingold Amendment No. 465 (to Amendment No. 358), to improve the provisions relating to assessment completion bonuses. **Page S4902**

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 S4902, S4931–32**

Dayton Modified Amendment No. 622 (to Amendment No. 358), to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act. **Pages S4917–18**

Hutchinson Modified Amendment No. 555 (to Amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information. **Pages S4919–20**

Harkin Amendment No. 525 (to Amendment No. 358), to provide grants for the renovation of schools. **Pages S4926–30**

Appointments:

People's Republic of China: The Chair, on behalf of the President of the Senate, and after consultation with the Majority Leader, pursuant to Public Law 106–286, appointed the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: Senators Smith (N.H.), Brownback, Hutchinson, Smith (OR.), and Hagel. **Page S4968**

Library of Congress Trust Fund Board: The Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, pursuant to Public Law 102–246, appointed Leo Hindery, Jr., of California, vice Adele Hall of Kansas, to the Library of Congress Trust Fund Board. **Page S4968**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the National Emergency with Respect to Burma; to the Committee on Banking, Housing, and Urban Affairs. (PM–19) **Page S4938**

Transmitting, pursuant to law, a report on the Continuation of Emergency with Respect to Burma; to the Committee on Banking, Housing, and Urban Affairs. (PM–20) **Page S4938**

Executive Communications: **Page S4931**

Executive Reports of Committees: **Page S4931**

Measures Placed on Calendar: **Pages S4938–39**

Statements on Introduced Bills: **Pages S4941–64**

Additional Cosponsors: **Pages S4940–41**

Additional Statements: **Pages S4937–38**

Authority for Committees: **Pages S4964–65**

Privileges of the Floor: **Page S4965**

Record Votes: Two record votes were taken today. (Total—104) **Pages S4914, S4930–31**

Recess: Senate met 10:32 a.m., and recessed at 7:19 p.m., until 9:30 a.m., on Wednesday, May 16, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4968.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—NOAA/SBA

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary concluded hearings on proposed budget estimates for fiscal year 2002, after receiving testimony in behalf of funds for their respective activities from Scott B. Gudes, Acting Under Secretary and Administrator, National Oceanic and Atmospheric Administration, Department of Commerce; and John Whitmore, Acting Administrator, Small Business Administration.

APPROPRIATIONS—ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development concluded hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radioactive Waste Management, after receiving testimony from Senator Crapo; Carolyn L. Huntoon, Assistant Secretary for Environmental Management, and Lake H. Barrett, Acting Director, Office of Civilian Radioactive Waste Management, both of the Department of Energy.

APPROPRIATIONS—FOREIGN OPERATIONS

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings on proposed budget estimates for fiscal year 2002 for Foreign Operations, after receiving testimony from Colin L. Powell, Secretary of State.

NUCLEAR NONPROLIFERATION PROGRAMS

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded open and closed 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, after receiving testimony from Gen. John A. Gordon, USAF (Ret.), Under Secretary for Nuclear Security and Administrator,

National Nuclear Security Administration, Department of Energy; Gary L. Jones, Director, Natural Resources and Environment, General Accounting Office; and certain officials of the intelligence community.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of John E. Robson, of California, to be President of the Export-Import Bank of the United States, and James J. Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nominations of Alphonso R. Jackson, of Texas, to be Deputy Secretary, Richard A. Hauser, of Maryland, to be General Counsel, John Charles Weicher, of the District of Columbia, to be Assistant Secretary for Housing and serve as the Federal Housing Commissioner, and Romolo A. Bernardi, of New York, to be Assistant Secretary for Community Planning and Development, all of the Department of Housing and Urban Development, after the nominees testified and answered questions on their own behalf. Mr. Jackson was introduced by Senators Bond and Hutchison, and Mr. Bernardi was introduced by Senators Clinton and Schumer and Representative Walsh.

NATIONAL ENERGY POLICY

Committee on Energy and Natural Resources: Committee concluded hearings on the national energy policy with respect to federal, state, and local impediments to the siting of energy infrastructure, focusing on the natural gas pipeline and electric power industries, after receiving testimony from William M. Nugent, Maine Public Utilities Commission, Augusta, on behalf of the National Association of Regulatory Utility Commissioners; David N. Cook, North American Electric Reliability Council, Princeton, New Jersey; Jerald V. Halvorsen, Interstate Natural Gas Association of America, Washington, D.C.; and Stanley F. Szwed, FirstEnergy Corporation, Akron, Ohio.

EPA BUDGET

Committee on Environment and Public Works: Committee concluded hearings on the President's proposed budget request for fiscal year 2002 for the Environmental Protection Agency, after receiving testimony from Christine Todd Whitman, Administrator, Environmental Protection Agency.

BUSINESS MEETING

Committee on Finance: Committee continued in evening session to mark up an original bill, entitled Restoring Earnings to Lift Individuals and Empower Families (RELIEF) Act of 2001.

U.S. POSTAL SERVICE

Committee on Governmental Affairs: Committee concluded joint hearings with Subcommittee on International Security, Proliferation and Federal Services to examine the General Accounting Office assessment of the financial outlook of the United States Postal Service, after receiving testimony from William J. Henderson, Postmaster General/Chief Executive Officer, and Robert F. Rider, Chairman, Board of Governors, both of the United States Postal Service; George A. Omas, Vice Chairman, Postal Rate Commission; and David M. Walker, Comptroller General of the United States, General Accounting Office.

DNA CRIME LABS

Committee on the Judiciary: Committee concluded hearings on the implementation of the Paul Coverdell National Forensic Science Improvement Act (P.L. 106–561), which authorized resources for state and local crime laboratories for personnel, facilities, training, and equipment, focusing on DNA crime labs, after receiving testimony from David G. Boyd, Director, Office of Science and Technology, and Deputy Director, National Institute of Justice, Office of Justice Programs, Department of Justice; Keith K. Coonrod, New York State Police, Albany, on behalf of the Consortium of Forensic Science Organizations; Richard J. Townsend, Utah Bureau of Forensic Services, Salt Lake City; Eric Buel, Vermont Forensic Laboratory, Waterbury; James Claude Upshaw Downs, Alabama Department of Forensic Sciences, Auburn; Milton E. Nix, Jr., Georgia Bureau of Investigation, Decatur; Michael T. Yura, West Virginia University Forensic Identification Program, Morgantown; Michael G. Sheppo, Illinois State Police Division of Forensic Services, Springfield; and William Petersen, Valencia, California.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again tomorrow.

ILLEGAL DRUG TRANSIT ZONE

United States Senate Caucus on International Narcotics Control: Caucus concluded hearings to examine counter drug interdiction strategy and operations in the Caribbean and Eastern Pacific, known as the Transit Zone, after receiving testimony from Edward

H. Jurith, Acting Director, Office of National Drug Control Policy; Donnie R. Marshall, Administrator, Drug Enforcement Administration, Department of Justice; Adm. James M. Loy, Commandant, United States Coast Guard, Department of Transportation, United States Interdiction Coordinator; and Charles Winwood, Acting Commissioner, United States Customs Service, Department of the Treasury.

House of Representatives

Chamber Action

Bills Introduced: 28 public bills, H.R. 1829–1856; 1 private bill, H.R. 1857; and 4 resolutions, H.J. Res. 48 and H. Con. Res. 133–135, were introduced. **Pages H2182–84**

Reports Filed: Reports were filed today as follows:

H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, amended (H. Rept. 107–64);

H.R. 1727, to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty, amended (H. Rept. 107–65);

H.R. 586, to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, amended (H. Rept. 107–66);

H. Res. 141, providing for consideration of H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit (H. Rept. 107–67); and

H. Res. 142, providing for consideration of H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002 (H. Rept. 107–68). **Page H2182**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Duncan to act as Speaker pro tempore for today. **Page H2149**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Gene Arey, New Harvest Ministry of Waynesboro, Virginia. **Page H2153**

Recess: The House recessed at 1:02 p.m. and reconvened at 2 p.m. **Page H2153**

Presidential Messages—Burma: Read the following messages from the President:

Periodic Report on the National Emergency re Burma: Message wherein he transmitted a six month periodic report on the National Emergency with respect to Burma that was declared in executive Order 13047 of May 20, 1997—referred to the Committee on International Relations and ordered printed (H. Doc. 107–70); and **Page H2155**

Continuation of the National Emergency re Burma: Message wherein he transmitted his notice stating that emergency declared with respect to Burma is to continue in effect beyond May 20, 2001—referred to the Committee on International Relations and ordered printed (H. Doc. 107–71). **Page H2155**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expedited Construction of World War II Memorial: H.R. 1696, to expedite the construction of the World War II memorial in the District of Columbia (passed by a yea-and-nay vote of 400 yeas to 15 nays, Roll No. 109); **Pages H2155–61, H2170–71**

Peace Officers Memorial Day: H. Res. 116, amended, commemorating the dedication and sacrifices of the men and women of the United States who were killed or disabled while serving as law enforcement officers (passed by a yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 110). Agreed to amend the title; **Pages H2161–64, H2171**

Fallen Hero Survivor Benefit: H.R. 1727, amended, to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty (passed by a yea-and-nay vote of 419 yeas with none voting "nay", Roll No. 111); **Pages H2164–66, H2171–72**

Foster Care Promotion: H.R. 586, amended, to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies (passed by a yea-and-nay vote of 420 yeas with none voting "nay", Roll No. 112); and **Pages H2166–68, H2172–73**

Observer Status for Taiwan at the May World Health Assembly in Geneva, Switzerland: Agreed to the Senate amendment to H.R. 428, concerning the participation of Taiwan in the World Health Organization (agreed to by a yea-and-nay vote of 415

yeas with none voting ''nay'', Roll No. 113)—clearing the measure for the President.

Pages H2168–70, H2173

Recess: The House recessed at 3:56 p.m. and reconvened at 6 p.m. **Page H2170**

Recess: The House recessed at 8:01 p.m. and reconvened at 11:40 p.m. **Page H2181**

Senate Messages: Message received from the Senate appears on page H2181.

Referral: S. 166 was referred to the Committees on the Judiciary and Government Reform. **Page H2181**

Amendments: Amendment ordered printed pursuant to the rule appears on page H2185.

Quorum Calls—Votes: Five yea-and-nay votes developed during the proceedings of the House today and appear on pages H2170–71, H2171, H2171–72, H2172–73, and H2173. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:41 p.m.

Committee Meetings

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on the Secretary of the Treasury. Testimony was heard from Paul H. O'Neill, Secretary, Department of the Treasury.

LABOR, HHS, AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on Administration for Children and Families and on the Administration on Aging. Testimony was heard from the following officials of the Department of Health and Human Services: Diann Dawson, Acting Principal Deputy Assistant Secretary, Administration for Children and Families; and Norm Thompson, Acting Principal Deputy Assistant Secretary, Administration on Aging.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on the Corporation for National and Community Service, the National Credit Union Administration and the Neighborhood Reinvestment Corporation. Testimony was heard from Wendy Zenker, Acting Chief Executive Officer, Corporation for National and Community Service; Dennis Dollar, Acting Chairman, Central Liquidity Facility, National Credit Union Administration; and Ellen Lazard, Executive Director, Neighborhood Reinvestment Corporation.

CONSUMER PERSPECTIVES ON ENERGY POLICY

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing on Consumer Perspectives on Energy Policy. Testimony was heard from John Cook, Director, Petroleum Products Division, Energy Information Administration, Department of Energy; and public witnesses.

WORLD BANK AND IMF ACTIVITIES IN AFRICA

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade held a hearing entitled ''World Bank and IMF Activities in Africa: Poverty Alleviation, Debt Relief, and HIV/AIDS. Testimony was heard from Susan S. Westin, Managing Director, International Affairs and Trade, GAO; and public witnesses.

DEPARTMENT OF JUSTICE REAUTHORIZATION

Committee on the Judiciary: Subcommittee on Crime held an oversight hearing on the ''Reauthorization of the United States Department of Justice Part II—Criminal Law Components at Main Justice.'' Testimony was heard from the following officials of the Department of Justice: Michael Horowitz, Chief of Staff, Criminal Division; Mary Lou Leary, Acting Assistant Attorney General, Office of Justice Programs; and Ralph J. Justus, Acting Director, Office of Community Oriented Policing Services.

OVERSIGHT—INS

Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on the ''INS and the Executive Office for Immigration Review.'' Testimony was heard from the following officials of the Department of Justice: Kevin Rooney, Acting Commissioner, Immigration and Naturalization Service; and Peggy Philbin, Acting Director, Executive Office for Immigration Review; and public witnesses.

FOREST SERVICE

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the Views and Vision of the New Chief of the Forest Service. Testimony was heard from Dale Bosworth, Chief, Forest Service, USDA.

HOPE FOR CHILDREN ACT

Committee on Rules: Granted, by voice vote, a closed rule on H.R. 622, Hope for Children Act, providing

one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Thomas.

ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Committee on Rules: Granted, by voice vote, a modified closed rule on H.R. 1836, Economic Growth and Tax Relief Reconciliation Act of 2001, providing one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Rangel or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute. The rule provides one motion to recommit with or without instructions. The rule provides that upon receipt of a message from the Senate transmitting H.R. 1836 with Senate amendments thereto, it shall be in order to consider in the House a motion offered by the chairman of the Committee on Ways and Means or his designee that the House disagree to the Senate amendments and request or agree to a conference with the Senate thereon.

NO CHILD LEFT BEHIND ACT

Committee on Rules: Heard testimony from Chairman Boehner and Representatives Tiberi, Stearns, Nethercutt, Weldon of Florida, Wicker, Brady of Texas, Moran of Kansas, Kirk, Rogers of Michigan, Putnam, Graves, Hart, Ferguson, Rehberg, George Miller of California, Kildee, Payne, Mink of Hawaii, Roemer, Tierney, Ford, Kind, Holt, Wu, Solis, Edwards, Barrett of Wisconsin, Meek of Florida, Jackson-Lee of Texas, Hooley, Moore, Larsen of Washington and Underwood, but action was deferred on H.R. 1, No Child Left Behind Act of 2001.

AEROSPACE INDUSTRIAL BASE

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on the Aerospace Industrial Base. Testimony was heard from public witnesses.

RECREATIONAL BOATING SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Recreational Boating Safety. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Transportation: Adm. Terry Cross, USCG, Assistant Commandant, Operations, and Commodore Viggo C. Bertelsen, Jr., USCG Auxiliary; Lawrence J. Fine, M.D., Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 16, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings on the Farm Credit title of the Farm Bill, 9 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2002 for the Sargent at Arms, United States Capitol Police Board, and Office of Compliance, 10 a.m., SD–124.

Subcommittee on District of Columbia, to hold hearings on the District of Columbia Superior Court's proposed reform of its Family Division, 10 a.m., SD–116.

Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency, 10:15 a.m., SD–138.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of Timothy J. Muris, of Virginia, to be a Federal Trade Commissioner; the nomination of Maria Cino, of Virginia, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, the nomination of Kathleen B. Cooper, of Texas, to be Under Secretary for Economic Affairs, the nomination of Bruce P. Mehlman, of Maryland, to be Assistant Secretary for Technology Policy, all of the Department of Commerce; and the nomination of Sean B. O'Hollaren, of Oregon, to be Assistant Secretary for Governmental Affairs, and the nomination of Donna R. McLean, of the District of Columbia, to be Assistant Secretary for Budget Programs and Chief Financial Officer, both of the Department of Transportation, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider S. 230, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; S. 254, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon; S. 329, to require the Secretary of the Interior to

conduct a theme study on the peopling of America; S. 498, entitled ''National Discovery Trails Act of 2001''; S. 506, to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation; S. 507, to implement further the Act (Public Law 94–241) approving the covenant to establish a commonwealth of the Northern Mariana Islands in Political Union with the United States of America; S. 509, to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska; the nomination of Francis S. Blake, of Connecticut, to be Deputy Secretary; the nomination of Robert Gordon Card, of Colorado, to be Under Secretary; the nomination of Bruce Marshall Carnes, of Virginia, to be Chief Financial Officer; and the nomination of David Garman, of Virginia, to be Assistant Secretary for Energy Efficiency and Renewable Energy, all of the Department of Energy; to be followed by hearings on the nomination of J. Steven Griles, of Virginia, to be Deputy Secretary of the Interior; and the nomination of Lee Sarah Liberman Otis, of Virginia, to be General Counsel, the nomination of Jessie Hill Roberson, of Alabama, to be Assistant Secretary for Environmental Management, the nomination of Nora Mead Brownell, of Pennsylvania, and the nomination of Patrick Henry Wood III, of Texas, both to be Members of the Federal Energy Regulatory Commission, all of the Department of Energy, 9:30 a.m., SD–366.

Committee on 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 Piyush Jindal, of Louisiana, 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, 1:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings on the nomination of A. Elizabeth Jones, of Maryland, to be an Assistant Secretary of State for European Affairs and the nomination of Stephen Brauer, of Missouri, to be Ambassador to Belgium, 10 a.m., SD–419.

Full Committee, 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, 3 p.m., SD–419.

Select Committee on Intelligence: to hold closed hearings on intelligence matters, 2 p.m., SH–219.

Committee on 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, 9:30 a.m., SR–418.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, on FBI, 10 a.m., 2359 Rayburn and on State Department Management, 2 p.m., H–309 Capitol.

Subcommittee on the District of Columbia, on Management Reform, 1:30 p.m., H–140 Capitol.

Subcommittee on Labor, Health and Human Services and Education, on NIH Budget Overview, 10 a.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on NSF, 9:30 a.m., H–143 Capitol.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, to mark H.R. 1831, Small Business Liability Protection Act, 9:30 a.m., 2123 Rayburn.

Subcommittee on Health, to continue hearings on Medicare Reform: Providing Prescription Drug Coverage for Seniors, 10 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Government Sponsored Enterprises, and Insurance, hearing entitled ''NARAB & Beyond: Achieving Nationwide Uniformity in Agent Licensing,'' 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing on Federal deposit insurance reform, 9:30 a.m., 2128 Rayburn.

Committee on Government Reform, hearing on ''The U.S. Postal Service's Uncertain Financial Outlook—Part II,'' 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, to mark up H.R. 931, Sudan Peace Act; followed by a hearing on Bridging the Information Technology Divide in Africa, 2 p.m., 2172 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; H.R. 483, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; H.R. 617, to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government; H.R. 640, Santa Monica Mountains National Recreation Area Boundary; H.R. 643, African Elephant Conservation Reauthorization Act of 2001; H.R. 645, Rhinoceros and Tiger Conservation Reauthorization Act of 2001; H.R. 700, Asian Elephant Conservation Reauthorization Act of 2001; H.R. 1000, William Howard Taft National Historic Site Boundary Adjustment Act of

2001; H.R. 1157, Pacific Salmon Recovery Act; H.R. 1661, to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act; and H.R. 1791, to provide a grant under the Land and Water Conservation Fund Act of 1965 to assist in the development of a Millennium Cultural Cooperative Park in Youngstown, Ohio, 10 a.m., 1324 Longworth.

Committee on Small Business, hearing on the Administration's proposed Fiscal Year 2002 budget for the SBA, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: H. Con. Res. 76, authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts; H. Con. Res. 79, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; H. Con. Res. 87, authorizing the 2001 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; H.R. 495, to designate the Federal building located in Charlotte Amalie, St. Thomas, United States Virgin Island, as the "Ron de Lugo Federal Building;" H.R. 691, to extend the authorization of funding for child passenger protection education grants through fiscal year 2003; H.R. 819, to designate the Federal Building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building;" H.R. 1020, Railroad Track Modernization Act of 2001; H.R. 1140, Railroad Retirement and Survivors Improvement Act of 2001; H.R. 1407, to amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays; H.R. 1699, to authorize appropriations for the Coast Guard for fiscal year 2002; 11 (b) Project Building Survey Resolutions; GSA Resolutions; and other pending business, 11 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, oversight hearing on Management Options for concentrated Animal Feeding Operations, 2 p.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on Support to Military Operations, 2 p.m., H–405 Capitol.

Terrorism Working Group, executive, on Cyberterrorism, 10 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 16

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate expects to begin consideration of the Reconciliation Bill (proposed Restoring Earnings to Lift Individuals and Empower Families (RELIEF) Act).

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 16

House Chamber

Program for Wednesday: Consideration of H.R. 1646, Foreign Relations Authorization Act, Fiscal Years 2002 and 2003 (structured rule, continue consideration); and

Consideration of H.R. 1836, Economic Growth and Tax Relief Reconciliation Act of 2001 (modified closed rule, one hour of debate).

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