



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, SATURDAY, MAY 26, 2001

No. 75

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 5, 2001, at 2 p.m.

Senate

SATURDAY, MAY 26, 2001

The Senate met at 10 a.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

The PRESIDING OFFICER. The guest Chaplain, Dr. Richard B. Foth, of Falls Church, VA, will lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

We stand here today, Almighty God, grateful and humbled. On this Memorial Day weekend, we are awed by the sacrifice of those who have gone before.

In a few hours, our Senators will vote on new tax laws. Debate has been intense, and we are grateful for the right to speak out and fight for opinions, for that freedom has been costly.

It has been bought by the blood of our very best, who often fought and died in lonely places with strange sounding names, far from home and family.

Every one of them counts, and we remember them today.

For the Americans who guard freedom around the world at this moment, we join with those they love—the mother in Seattle, that dad in Wichita, a sister in Mobile—in praying for their safe return.

Every one counts, and we remember them today.

And for the men and women of this United States Senate, who also guard our freedoms, we ask a fresh measure of peace. Pour Your perspective we pray, into the hearts of those here whom You know need it the most.

It is by Your grace that our Senators serve, and we count on that very grace to calm the waters in this place for every Senator has been designed in Your image and their freedom has been bought with a price.

Every one counts, and we remember them today.

We ask these things in the name of the One who calls us to be free. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS 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 26, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. LOTT. Thank you very much, Mr. President.

EXTENDING OUR SPECIAL APPRECIATION TO THE GUEST CHAPLAIN

Mr. LOTT. I extend our special appreciation to our guest Chaplain this morning for the beautiful and most appropriate prayer. We are delighted to have Dr. Foth here.

SCHEDULE

Mr. LOTT. It is Saturday, May 26, Memorial Day weekend, a special weekend for recognizing those who have sacrificed so much for our country. The Chaplain is right: Everyone does count. That is why Senators are here. We are doing the American people's business. Later on today we hope to complete action on a very significant piece of legislation, tax relief for all Americans.

The Senate will be in a short period of morning business awaiting the conference report to accompany the tax reconciliation bill.

I see Senator SPECTER is in the Chamber ready to speak in morning

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



Printed on recycled paper.

S5767

business. The House is currently voting on the conference report. Therefore, we expect to receive the papers shortly. When the papers arrive, it is hoped that we can enter into a short time agreement so that a final vote can be set. I have already spoken briefly to Senator DASCHLE, and we will be working together to get an agreement on a reasonable period of time for debate. Of course, we will try to accommodate Senators who will be coming in and others who will be wanting to leave. We do plead with all Senators to give us your best measure of cooperation because we are trying to be sensitive to all kinds of special events, including graduation ceremonies and weddings and commitments of longstanding. It is not always easy to accommodate them all. I know some Senators are agitated that they have already been inconvenienced, and for that we apologize. But I commend the leadership on both sides of the aisle. We have said to each other, let's stay; let's get this done; and we are going to do that. We will notify the Senators as soon as an agreement can be entered into as to the time sequence. We are hoping we can get something that could get to a vote either before noon or hopefully by 1 o'clock. That is not agreed to, by any means, but that is the goal we are pursuing.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 10 minutes.

The Senator from Pennsylvania.

SENATOR JEFFORDS

Mr. SPECTER. Mr. President, I have sought recognition this morning to comment on Senator JEFFORDS' announcement that he will vote with the Democrats on organization of the Senate. I have delayed in expressing these thoughts to further reflect upon them and perhaps avoid saying something that I would later regret. I have written them down, which is unusual for me because I believe that floor statements, as speeches generally, are best made from the heart rather than text.

When I first heard last Tuesday that Senator JEFFORDS was considering this move, I told the news media: "It shouldn't happen—it won't happen—it can't happen." Well, I was wrong.

When Senator JEFFORDS confirmed that he was about to vote with the Democrats, I joined five other Senators who tried to dissuade him in a morning meeting last Wednesday. The group reconvened for an afternoon meeting, with some ten other Senators and Senator JEFFORDS. Between the two meetings, we conferred with the Republican leadership on what suggestions we could make to Senator JEFFORDS to keep him in the fold.

For 13 years, JIM JEFFORDS has been one of my closest friends in the Senate and he still is. We have had lunch together every Wednesday for years. First, with Senator John Chafee, and later with Senator OLYMPIA SNOWE, Senator SUSAN COLLINS, and Senator LINCOLN CHAFEE. He had never given any hint to me of such a move.

Before discussing the suggestions which would be made to Senator JEFFORDS, we first pleaded with him, saying his change would disrupt the Senate, it would change the balance of power in the Federal Government generally, it would severely weaken the Republican Party—of which he was a lifelong member, it would hurt his Senate friends, and likely cost many staffers to lose their jobs.

Senator JEFFORDS replied that he was opposed to the party's policies on many items and believed he could do more for his principles by organizing with the Democrats.

We then told Senator JEFFORDS that we were authorized by the Republican leadership to tell him that if he stayed, the term limits on his chairmanship would be waived, he would have a seat at the Republican leadership table as the moderate's representative, and IDEA, special education, would become an entitlement which would enrich that program by billions of dollars for children across America.

At the end of our second long meeting, I felt we had a significant chance to keep him. On Thursday morning, I was deeply disappointed by his announcement that he would organize with the Democrats. My immediate response to the news media was that it felt as if there had been a death in the family. Other Senators from our close-knit group were, candidly, hurt and confused. For some, that has turned to anger. Most of the Republican Senate caucus has had little to say, trying to put the best face on what is really a devastating loss.

The full impact has yet to sink in. It will undoubtedly be the topic of much contemporaneous columnist comment and beyond that for the historians.

Well, the question now arises, Where do we go from here? The Senate leadership, notwithstanding Senator JEFFORDS' departure from our caucus, has created a moderate seat at the leadership table to address some of Senator JEFFORDS' concerns. More needs to be done. And I think more will be done.

How should these issues be handled by the Senate for the future? I intend to propose a rule change which would preclude a future recurrence of a Senator's change in parties, in mid-session, organizing with the opposition, to cause the upheaval which is now resulting.

I take second place to no one on independence voting. But, it is my view that the organizational vote belongs to the party which supported the election of a particular Senator. I believe that is the expectation. And certainly it has been a very abrupt party change, al-

though they have occurred in the past with only minor ripples, none have caused the major dislocation which this one has.

When I first ran in 1980, Congressman Bud Shuster sponsored a fundraiser for me in Altoona where Congressman Jack Kemp was the principal speaker. When some questions were raised as to my political philosophy, Congressman Shuster said my most important vote would be the organizational vote. From that day to this, I have believed that the organizational vote belonged to the party which supported my election.

When the Democrats urged me to switch parties some time ago, I gave them a flat "no." I have been asked in the last several days if I intended to switch parties. I have said absolutely not.

Senator PHIL GRAMM faced this issue when he decided to switch parties. He resigned his seat, which he had won as a Democrat, and ran for reelection as a Republican. As he told me, his last vote in January 1983 was for the Speaker of the House of Representatives, and he voted for Tip O'Neill with the view that he was elected as a Democrat and should vote that way on organizational control. Even though, he intended to become a Republican and would have preferred another person to be Speaker.

To repeat, I intend to propose a Senate rule which would preclude a change in control of the Senate when a Senator decides to vote with the opposing party for organizational purposes.

One other aspect does deserve comment, and that is the issue of personal benefit to a changing Senator. In our society, political arrangements avoid the consequences of similar conduct in other contexts.

For example, if company A induces a competitor's employee to break his contract with company B and join company A, company B can collect damages for company A's wrongful conduct. If A gives a benefit to an employee of B to induce the employee to breach a duty, that conduct can have serious consequences in other contexts which are not applied to political arrangements.

On the Lehrer news show on Thursday night, the day before yesterday, Senator HARRY REID and I sparred over this point. I expressed my concern about reliable reports that Democrats had told Senator JEFFORDS that Senator REID would step aside so Senator JEFFORDS could become chairman of the Environment and Public Works Committee. Senator REID replied that there was no quid pro quo, an expression I had not used.

Accepting Senator JEFFORDS' decision was based on principle for the reasons he gave at his news conference on Thursday morning, a question still remains as to whether any such inducement was offered and whether it played any part in Senator JEFFORDS' decision. Questions on such offers and counteroffers should be considered by Senators and by the Senate in an ethical context, but at this moment I do

not see any way to effect such conduct by rulemaking or legislation.

This week's events raise very profound questions for the governance of our country as well as the operation of the Senate. I intend to press a rule change which would preclude a recurrence of this situation and will be discussing with my colleagues the whole idea of inducements as an incentive for a party switch.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator leaves, I was off the floor and am disappointed that the Senator saw me here and decided to speak after I left the Chamber, using my name on several occasions. Would the Senator from Pennsylvania tell the Senator from Nevada, is he saying that Senator JEFFORDS did something wrong in switching parties?

Mr. SPECTER. I have been very careful in my selection of words. I have not said anybody did anything wrong.

Mr. REID. OK.

Mr. SPECTER. I am a little surprised to hear the Senator from Nevada expressing some concern about the statement which this Senator has just made. This is the floor of the U.S. Senate and these are matters of grave concern for the Senate. I have spoken with great modulation on a subject where a great deal more could have been said by me and by others.

Mr. REID. I appreciate the Senator's statement. It seems to me that, no matter if it was a matter of importance or nonimportance, if I was going to speak about the Senator from Pennsylvania, I would tell the Senator from Pennsylvania, "I am going to say a few words mentioning your name; do you want to be on the floor?" The Senator decided not to do that. I appreciate that.

It is my understanding that the Senator from Vermont, prior to his leaving the Republican Party, was chairman of a pretty big committee, the HELP Committee?

Mr. SPECTER. That is true. And one of the concerns which Senator JEFFORDS had, as expressed to a number of us, was his term limitation.

But if I might respond to an earlier point by Senator REID, I saw Senator REID on the floor. He is the assistant majority leader. Perhaps, I might have said to Senator REID: "I am about to mention your name."

I did so really to accommodate his statement that there was no quid pro quo. There had been a statement that there was nothing done in exchange for something. So that in saying that, it was not said in any condemnatory, derogatory, or critical manner.

Mr. REID. I appreciate the statement of the Senator from Pennsylvania. I am one of the biggest fans of the Senator from Pennsylvania. I am one of the few people here, probably, who have read his book from cover to cover.

Mr. SPECTER. That number is growing, I say to the Senator.

Mr. REID. It takes a long time to read. I am a fast reader. That is the reason I am ahead of most people. I say to my friend from Pennsylvania, I appreciate not only what he said but how he said it. I am sorry if I in any way mistook the Senator's statement.

This is a time, as the Senator indicated, of some tenseness around here. I wanted to make sure the Senator and I understood each other, which we do. I thank him very much.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I seek recognition in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. DURBIN. Mr. President, first let me address the comments of the Senator from Pennsylvania.

The Nation and perhaps many parts of the Western World will be focused on the comments of Senator JEFFORDS this week. They are particularly important not because a man who was a lifelong Republican has declared that he would become an Independent but because of the impact of that decision on this institution and on the Government in Washington.

For people to change political parties is rare in this American political scene but not unheard of. In fact, the Senator from Pennsylvania, on his side of the aisle, has at least four colleagues who have done that:

Senator STROM THURMOND, first elected as a Democrat, Governor of South Carolina, then ran as a candidate for the U.S. Senate as a Democrat and decided to change parties and become a Republican. That was his decision.

I served with Senator PHIL GRAMM in the House when he was a Democrat. He made the decision to change parties and stood for reelection in Texas as a Republican to let the people make their decision as to whether or not they would validate his choice of the new party.

Then there is Senator RICHARD SHELBY of Alabama, once a Democrat, now a Republican on Senator SPECTER's side of the aisle.

Senator BEN NIGHORSE CAMPBELL, once a Democrat, is now a Republican.

So I find it interesting that now is the moment that the Senator from Pennsylvania wants to suggest we have to change the rules to militate against this change of party sponsorship, when there is a change of party allegiance. The difference, I think, is obvious. In the four previous examples, it did not result in the change of control of the Senate. I think perhaps that is why more attention has been paid to Senator JEFFORDS' decision. I honor his decision. I think he is an honorable man. I don't believe he made this decision lightly. I think he reflected on it. He made the decision to be an Independent and to join the Democrats in organizing in the Senate. I think the statement he made in Burlington, VT, in

front of the people he will represent was one of the better statements I have heard in my public career. It was clearly a decision of conscience.

To suggest that there was any quid pro quo or any other reason demeans the integrity of one of our colleagues whom we both respect very much. So I hope we will put this in some historical perspective within this institution, where half a dozen Members have either contemplated or changed political party. They have a right to serve, and they will ultimately answer to the people of their State about their decision.

Mr. SPECTER. Will the Senator yield?

Mr. DURBIN. For a question, I am happy to yield, retaining my right to the floor.

Mr. SPECTER. Mr. President, my response is not really a question, although it can always be articulated in the form of a question which is our custom. The Senator from Illinois has the floor, and I appreciate his yielding to me. I just have a brief comment to make without any articulation of a question, if I may, reserving the Senator's right to the floor.

Mr. DURBIN. I do not object, but I retain my right to the floor.

Mr. SPECTER. Mr. President, I will formulate it as a unanimous consent request that I may reply very briefly, retaining the status of the Senator's right to the floor.

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

Mr. SPECTER. Mr. President, in what I have had to say here, I have said it as carefully as I can. I have written it all down and I read it. I think it may be the first speech I have ever read on the Senate floor in the 20 years and 5 months I have been here. I wanted to be very precise.

I believe Senator JEFFORDS is a man of the highest principle and integrity. I have enormous respect for all of what he has done, including the statement made in Vermont on Thursday morning.

When the Senator from Illinois comments about the change in parties of others, what he says is true. I have said in the prepared text that Senator GRAMM went to the unusual extent of actually resigning. Senator GRAMM told me, as I recounted, that his last vote in early 1983 was for the Speaker of the House of Representatives. He voted for Congressman Tip O'Neill. I think Senator GRAMM said he was elected as a Democrat.

I think the examples of Senators SHELBY, CAMPBELL, THURMOND, and then-Congressman PHIL GRAMM/nor Senator GRAMM are really irrelevant to what happened here. This is really a very, extraordinary matter. As the Senator from Illinois knows, we have had a change in the governance of the Senate, and each of us can attest to how hard it is to get to the Senate, and then how hard it is to get party control of the Senate. With that historical

election and a 50/50 balance, any one of the Senators on either side could tip the balance. Republicans had control by virtue of the Vice Presidency.

When Senator JEFFORDS made a switch for organizational purposes, he affected the governance of the country. The ability to set the agenda here is of enormous consequence. To have the Democrat as the majority leader, he gets the first recognition. Then you have the President's agenda. Some people are glad that the President's agenda will not have an advocate in the Senate and the majority leader as a Republican to put that agenda forward. The Senate chairmanships we need not focus on too long.

But there were people in the Senate family who were weeping—staffers who are going to lose their jobs. I said on the "Jim Lehrer Show" that what happened was "seismic." Senator DORGAN agreed with me that it was an "earthquake".

So in seeking a limitation on organizational change, I am not moving to the point to say that if a Senator wants to change parties, there ought to be any rule against that. He can find his peace with his electorate, where there may be a political price to pay or there may not be. But when so many others pay a price, it is my very firm view that the rule ought to be changed, and I will be submitting an appropriate rule shortly.

I thank my colleague from Illinois and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the floor.

Mr. DURBIN. Mr. President, I have the floor, but I would like to know if the Senator from Iowa would like to make a request.

Mr. GRASSLEY. No.

Mr. DURBIN. Mr. President, I will accept the statement of the Senator from Pennsylvania. I understand there is change, and with change there is pain. I hope we can do our best to be positive and constructive as the Senate leadership does change. I hope we can continue to show mutual respect for our colleagues, as I have great respect for the Senator from Pennsylvania. I think that is an important hallmark of this institution, and I think we should all make an extra effort to preserve that.

ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001—CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 1836, the tax reconciliation bill.

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

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 1836), to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002 having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD (continuation) of May 25, 2001.)

Mr. DURBIN. Mr. President, about 15 minutes ago I was handed this stack of paper. It is not uncommon for us to receive bills of great consequence and great moment only a few minutes before we are asked to vote on them. We rely on good staff work and hope they give us some insight into what the legislation means.

This piece of legislation, of course, represents the proposed tax bill—457 pages. I will hazard a guess that very few Members of the Senate will have a chance to study it or reflect on it or even ask for a response from others before we are asked to vote in a very few minutes. That is not unusual.

I don't want to suggest that this is an extraordinary situation, but it is extraordinary in this respect: What we are being asked to vote on in this tax bill will literally have an impact on America for 10 years, long after many of us have gone from the scene. Long after this President has finished his tenure in the White House, the impact of this bill will still be felt. So it is important for us to pause and reflect on what we are doing. We are being asked to sign onto a tax cut proposed by the White House, originally, and now crafted by the leaders in the House and the Senate, which will have a dramatic impact on the economy of this country.

It is a tax bill which doesn't affect just next year but in fact goes into effect sometimes 5, 6, 7, 8, 9, 10 years from now. Someone noted that the marriage tax penalty provisions, which I believe under the new bill go into effect in 2009 or 2010, will go into effect after many currently married couples are no longer married; many who are contemplating marriage will have been married and perhaps will no longer be married. The provisions about the estate tax will go into effect about 10 years from now after many people who are watching this debate are long gone.

The reason I raise this point is to try to put in some historic perspective the vote we are about to take this morning. I think this tax bill is a serious mistake. The Congress of the United States made a grievous error in the early 1980s under President Reagan when we accepted his message—and many voted for it—that called for a massive tax cut. It is easy to preach the gospel of a tax cut. What could be easier for a politician than to go to people and say, I want to reduce your taxes. There can't be anything more appealing.

But we have a responsibility in the Congress to reflect on what the tax cut means and whether or not it is the right thing to do. In the Reagan years, when many yielded to the siren call for a tax cut, they created a deficit situation in this country which crippled our economy for more than 10 years. History tells the story. With the Reagan tax cut and with the increase in spending on military affairs and other things, America did not have enough money to meet its basic needs for Social Security, Medicare, education, transportation, for the things which people expect this Government to provide in a civilized society.

As a result, we took the accumulated debt of America when President Reagan became President and saw it explode to the point where it is today of \$5.7 trillion—\$5.7 trillion in national debt, a national debt which requires us to collect in taxes \$1 billion a day across America simply to pay the interest. That was a serious mistake. The bill we are considering today, unfortunately, could jeopardize our future just as much.

This morning's Washington Post gave us information about the productivity over the last several months in America. The projected productivity we hoped for did not occur. In this time of slowdown, in this time bordering on recession, we have seen our economic activity and growth reduced in America.

Many people who only 8 or 10 months ago were sure we were in prosperity and expansion were proven wrong. It was only 8 or 10 months ago when Alan Greenspan, the Chairman of the Federal Reserve, who is viewed as the wisest man in all of Christendom when it comes to our economy, guessed wrong. He was raising interest rates because he was afraid of inflation. Now Alan Greenspan is struggling and running as fast as he can to reduce interest rates. He was wrong.

This bill on which we will be voting is based on the best guess of the economists for President Bush that we will have continued prosperity for the next 10 years—10 years. There is no economist who would wage their reputation on where we will be 10 months from now, let alone 10 years. It is based on pure speculation about anticipated surpluses, and that is a significant shortfall in the logic behind this tax cut.

It is important we have a tax cut, but we should go carefully to make certain we do not go out too far or too big and jeopardize our economy. That is what is at stake.

Most Americans will tell you: A tax cut is important to me; even more important to me is what is going to happen to the economy, how will my family do in just the next few years, how will small businesses do.

We have seen an unparalleled period of economic prosperity over the last 8 or 9 years: 22 million new jobs in America, a recordbreaking number of small businesses created, record home ownership, the lowest inflation in decades,

welfare rolls coming down, crime rolls coming down, a clear indication we were on the right track. This bill puts it all at risk. This bill says we will give a tax cut to some in America and hope we are right that the money will be there over the next 10 years.

I will give some illustration of what this bill does. The Senate tax bill gave 35 percent of all of the tax cut benefits to the top 1 percent of taxpayers. What does that mean? A \$44,000 tax break for people with incomes above \$373,000 a year. I do not believe that was responsible. Quite honestly, if there is to be a tax cut, it should be a tax cut for all Americans, not heaped on the wealthiest in this country. But hold on. The new bill, this product of a conference report, does not make this tax cut any fairer.

Under the conference agreement, the average tax cut for these same people making over \$373,000 a year has increased by 23 percent. Instead of a \$44,000 tax windfall for the highest 1 percent of taxpayers in America, it is now a \$54,000 tax windfall for those with incomes in excess of \$373,000.

Some come to the floor and say: Wait a minute, the top 1 percent of taxpayers pay the most taxes; shouldn't they get the most when it comes to tax cuts. Those in the top 1 percent pay about 22 percent of Federal taxes. The Senate bill gives them 35 percent of the benefits of this tax cut. This conference agreement raised that share to 38 percent. They paid 22 percent of the taxes; they receive 38 percent of the benefits. There is no fairness here.

I suggest that sending a \$300 check to a taxpayer sometime this year as an indication of good will with this tax cut is cold comfort when one considers the wealthiest in this country will receive \$54,000 a year in tax benefits under this proposal we are considering.

Quite honestly, we should have a tax cut, but one that is fair. This is not fair.

I also reflect on the fact that this tax cut does nothing to protect funding for Social Security and Medicare. The Senator from North Dakota, Mr. CONRAD, is in the Chamber. He will speak in a moment. He has said to us repeatedly that in 10 years the baby boomers will show up for Social Security and Medicare. When they show up, we had better be prepared. We promised them those programs would be ready and funded, but there is absolutely no way to fund this tax bill without raiding the Social Security trust fund, as well as Medicare benefits. That is totally irresponsible. For us to offer \$300 checks to people today and run the risk that 10 years from now, when they show up for Social Security or Medicare, it will not be adequately funded is totally irresponsible. This bill raids Social Security and Medicare, and for that reason alone it should be defeated.

The final point I will make is this. This bill eliminates our ability to make necessary investments in the future of this country, the most impor-

tant being education. All the speeches that have been given about bipartisan commitment to funding new education programs really disappear in a heartbeat when we vote to pass a tax cut which takes away the money that is absolutely essential for us to make sure that our kids in the 21st century are well prepared to lead the world.

I encourage all of my colleagues to oppose this bill, to vote for a tax cut for American families that is fair, one that does not go too far and jeopardize our economy, Social Security, or Medicare.

Mr. President, I yield the floor. Senator SCHUMER and Senator GREGG are seeking recognition.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, finally, the American people are going to get some of their money back. The American people have been paying more money into the Federal Government than we need to operate the Government.

Over the next 10 years, it is projected they are going to pay \$5.6 trillion into the Federal Government that we do not need. But the other side of the aisle does not want to give any of that money back. They do not want to let the American taxpayers keep some of their hard-earned money. No, they want to spend it. They have programs; they have ideas; they have initiatives; they have things on which they have to spend money.

There are a lot of good things to spend money on as a government, but one of the best things we can spend money on as a government is the taxpayers, by allowing the taxpayers to keep some of their hard-earned income so they can make decisions with their dollars, so they can make the decisions as to whether or not they want to buy a new car, spend more money on their children's education, improve their home, or save their money.

It is about time we return to the American people some of this surplus.

I congratulate the President; I congratulate the chairman of this committee; I congratulate the ranking member of the committee, the Senator from Montana, who will soon be the chairman of the committee for pulling forward a bill which is to some extent bipartisan—although, obviously, not a majority on the other side support it—which returns to the American taxpayers their hard-earned income. Hallelujah, it is about time.

Let's look at what this tax bill does. For people in the lowest rates, they get the highest percentage cut, from 15 percent down to 10 percent. For people who don't even pay taxes today but have families and have issues with raising their children, they are going to receive a direct payment. Not an income tax refund, because they are not paying income taxes, but a direct payment to assist them in raising their children, a child tax credit.

This is a bill which is directed at the middle-class Americans—Americans who are working hard every day to make ends meet, some of them in a low enough tax bracket so they don't pay taxes but still they need assistance; Americans who know the dollars they are sending to the Federal Government, to some extent, are not needed down here anymore. They are not needed in Washington because Washington has this huge surplus. They are needed at home. Americans across this country need those dollars to manage their family budgets better.

The representation was made on the other side of the aisle that we have this huge debt and we need to pay this debt off. Every projection we have says this debt will be paid off by, at a minimum, the year 2011. The public debt of the Federal Government will be zero by the year 2011 and will probably be zero long before then. We will pay down more debt faster than at any time in this country's history while still cutting these taxes. Why? Because the surplus is so large. So this debt argument is a red herring.

The argument has been made on the other side that we are not protecting Social Security with these funds. That is totally inaccurate. The fact is, the Social Security trust fund is running a \$2.5 trillion surplus over this period. Not only can you protect the Social Security trust fund—and it is protected under this proposal—but we are actually going to be in a position, as a result of those surpluses in the trust fund to, I hope later down the road, allow American citizens who are paying Social Security taxes to save those taxes and actually own the assets which they have in the Social Security trust fund through some sort of personal or individual savings account.

The Social Security system is in a very healthy situation. It is getting stronger for the next few years. Regrettably, in the outyears, it has serious problems which need to be addressed. But this tax bill does not in any way negatively impact the surplus of the Social Security trust fund, nor does it impact the surplus of the Medicare trust fund.

First off, there is not a surplus in the Medicare trust fund; there is only a surplus in Part A. Part B is running at a deficit. If they merge the two, they run a deficit overall. The fact is, money is in this account; it is there for the purposes of Medicare, and we are talking about a significant increase in Medicare funding so we can fund the prescription drug benefit.

After we have done this—paid down the debt, protected the Social Security and Medicare trust funds, after we put in place preserving funds for prescription drugs—we still have a surplus at the Federal Government level because we are running so much more in revenues than we are in expenditures.

What do some of my colleague on the other side of the aisle say? They do not

want to return the dollars to the American taxpayer but spend it and create more programs.

This is not a debate as to whether or not the money is available. It is a debate about what we should do with the money. The President has set the correct course. He has said, when the Federal Government takes in more money than it needs to operate, after it has committed to protecting Social Security, Medicare, and paying down the debt completely, then those dollars should be returned to the American taxpayer because it is their money, not our money. That is the difference. We understand it is the taxpayers' money; it is not Washington's money.

I congratulate the leadership of this committee in putting forward a balanced, fair, and appropriate bill, one which will give much needed relief to the taxpayers of this country who for too long have been asked to pay too much.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO.). The Senator from Montana.

Mr. BAUCUS. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank my friend, the soon-to-be chairman of the Committee on Finance, for yielding and for the work he has done.

At the outset, let me say I will oppose this conference report out of strength of conviction. There are some good things in it. I think the child tax credit is good. I think tax relief, particularly for middle-class people, is good. I am particularly proud of the tuition deductibility. While I have wished it would go further, there is \$5,000 of tuition relief, tuition deductibility. It is aimed at middle-class families.

For far too long we have ignored middle-class families, not only in tax relief but in the biggest financial nut they face—if God gives them good health—and that is paying for tuition for the kids. To have that in there is really important.

I salute the leaders of the bill. I will vote against it but with a little bit of sadness because that provision is in the bill, something for which I have worked long and hard. I salute my colleague from New Jersey, Mr. TORRICELLI, for working hard to get it included, as well. I thank him for that, as well as the other Senators who pushed hard for that legislation.

I am opposing this bill for five reasons. First, it is filled with gimmicks. This is not tax policy—put a provision in, sunset it; put another provision in, sunset it. The most laughable provision is the estate tax. Under this new proposal that has come back to us, the only year in which you can die and have your estate free from tax is 2010. If you die in 2009, you pay an estate tax. If you die in 2011, you pay an estate tax. All those who are so strongly for repeal of this ought to hope that, if

God is going to take them, he takes them only in 2010, because that is the only year that the estate tax is repealed. What kind of policy is that?

In my city of New York, we have hundreds, probably thousands, of lawyers who are busy planning estates. Boy, are they going to be happy because they will have to plan estates aimed at an estate tax bill that goes up, that goes down, that goes up, that goes down. We do the same for many other provisions. The bill is filled with gimmicks. It is not tax policy. It is politics—to have to reach \$1.35 trillion, no more, no less.

The writers of this bill tied themselves in a knot like a pretzel. We cannot have a policy, even for tuition, that expires in 2006. We cannot have a policy that tells American parents, you might have your tuition deductible in 2005 or 2006 but not 2007.

Second, the relief is disproportionate for well-to-do people. I do not believe in class warfare. I think people who work hard and earn money should, indeed, get relief. I voted for a capital gains cut because I would like to see the encouragement to channel that money into job creation, build a new business, invest in equity, invest in a bond.

I hear on the other side we are talking about working families. I listen to the speeches; I listen to the speeches in the House. Tell the truth: Working families get small relief. The most well-to-do in America get large relief.

It is said they pay the taxes. Yes, they pay more of the income taxes, but if you add in payroll taxes, if you add in sales taxes, the people making \$50,000 pay about the same percentage of taxes as the people making \$500,000. So why is the relief so disproportionately directed at the high end?

This bill is befuddling and confounding in that way. Let us assume you believe Government has too much money. Let us assume and believe you think we should send it back. Why do we send so much of it back to the highest end when, if you look at their total Federal tax bill, it is working people who pay as high a proportion as high-end people. We are not even doing it in a way to encourage investment and savings. That is the second reason I am against the bill.

Third, needed programs. Perhaps the greatest hypocrisy in this budget we have passed is this: Our President says he is the education President as he is going around the country. When the good Senator from Vermont became an Independent, he said: That is not true. I am fighting for education. Yet his budget has no money for education.

The President last week gave an energy speech and he, again, cut all tax credits for energy.

I yield my time because I know we have important business to do. I ask when we resume business I could be given 3 minutes to finish up my speech.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection? Without ob-

jection, it is so ordered. The Senator from New York will reserve 3 minutes when the time comes. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent the time between now and when we vote be divided for debate as follows: Mr. BAUCUS, 5 minutes; Mr. KENNEDY, 5 minutes; Mr. DODD, 5 minutes; Mr. CONRAD, 10 minutes; Mr. GRASSLEY, 5 minutes.

I further ask consent that at the expiration of this time the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CORZINE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

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

The PRESIDING OFFICER. The Senator from Idaho has the floor. The Senator from New Jersey cannot suggest the absence of a quorum. He may state his objection.

Mr. CORZINE. I withdraw the objection.

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

The Senator from Montana, Mr. BAUCUS.

Mr. BAUCUS. Mr. President, I will yield myself a very short period of time because there is a Senator who very desperately needs to vote quickly and get home. In deference to him, I will speak briefly.

The British statesman Benjamin Disraeli said that, "in politics, a week is a long time."

The past week or so is a good example.

On the tax bill, we have gone from a handshake deal, through a day-long markup in the Finance Committee, through 43 votes on the Senate floor, and then through a brief but difficult conference that, more than once, veered close to a breakdown.

It is almost always difficult to reconcile two different bills in conference. That was the case here. The stakes were high, time was short, and some of the differences were profound.

But I am delighted to join our chairman, Senator GRASSLEY, in announcing that we have a conference agreement that embodies a solid, balanced, bipartisan compromise.

Let me describe the key elements of the compromise.

The centerpiece of the Senate bill was the immediate creation of a 10 percent rate, to cover the first \$12,000 of taxable income. This benefits low and middle income taxpayers the most.

And it provides a boost to the economy.

The conference report adopts this provision lock, stock, and barrel.

Another key element of the Senate bill was the set of provisions geared to low and middle income families. Here, again, we did well.

The conference report expands, and simplifies, the earned income tax credit. And it incorporates the Senate proposal to make the child credit refundable.

Putting the 10-percent rate, the EITC, and the child credit provisions together, we have, to my mind, written one of the best tax bills ever for middle income working families.

That's an accomplishment we all can be proud of.

On top of that, the Senate bill included new incentives for retirement savings and for education, and the conference report includes a large measure of each.

Let me step back for a minute, and describe why, to my mind, this bill represents a balanced package.

In the first place, everybody who pays income taxes will get a tax cut. The government has a surplus. We can afford to give some of it back. That's good news, not bad.

The President deserves credit for making this point.

But his proposal fell short, in one critical respect.

The President's proposal was aimed primarily at society's winners. People in the top tax brackets. People with large estates.

We should not begrudge these people their success.

But, at the same time, we should not stop there. In writing a bill of this scope, we have a unique opportunity to reach out. To lend a hand, and give an incentive, to families that are working hard, raising kids, and dreaming dreams.

The Senate bill did that. And so does this conference report.

As I have explained, we cut taxes for working families.

We create new incentives for education, like the new deduction for college tuition.

We create new incentives to save for retirement, through IRAs, 401(k)s, and the new low income matching program.

These are important provisions that create new opportunities.

And there is more. For example, thanks to Senator LANDRIEU, we expand the tax credit for adoption.

Thanks to Senator KOHL, we create a new tax credit to encourage employers to provide child care for their employees.

All told, the conference report contains dozens of positive provisions.

Does the conference report have flaws? Sure.

As the debate has gone on, I have taken heed of the warnings of Senator CONRAD, who fears that the tax cut may use up too much of the surplus.

I hope he's wrong. But I agree that we must watch the budget closely, and make corrections if necessary.

There are other flaws. For example, I don't think we should have cut the top rates so steeply. I don't think we should completely repeal the estate tax. I wish we could have made the R&D tax credit permanent.

But, putting all of the provisions together, I believe that this is a good compromise that deserves broad bipartisan support.

At this point, let me say a few things about the bill's impact on my state of Montana.

From the very beginning, the impact of the tax cut on Montana has been something of a paradox.

On one hand, Montanans are rugged individualists. We do not like regulations and we do not like taxes.

On the other hand, Montana's economy is hurting. Incomes are low. A tax cut like the one proposed by the President, that was aimed primarily at high-income folks would not help us very much.

In fact, under the President's proposal, Montana would have received less of a tax cut, per capita, than any other state in the nation.

Fortunately, the conference committee has produced a bill that, for Montana, improves dramatically on the President's proposal.

We cut taxes, across the board. But we pay special attention to working families.

As a result, the conference report will give Montanans a tax cut that is, on average, 15 percent higher than under the President's proposal.

And we will cover almost 70,000 more Montana children, under the child credit, than the President's proposal—70,000.

Just as important, the conference report retains key incentives for education, which is at the very heart of our work to generate new jobs for the new economy.

And it creates new incentives to help small businesses set money aside for their employees retirement.

These incentives will help with the most important task in Montana, economic development.

All in all, you might say that this is a tax cut that was made in Montana.

Pulling it all together, this bill is good for working families. It is good for education. It is good for the economy. It is good for Montana.

This legislation is good for the country, it is good for America. It is much better than the legislation we would otherwise have before us.

I worked with Senator GRASSLEY, the chairman of the committee, to produce a Finance Committee bill which has provisions that are much better from a Democrat's perspective than we would otherwise be faced with on the floor. I worked with Chairman THOMAS, chairman of the House Ways and Means Committee, and produced a conference report that is much better than what we would otherwise be voting on on the Senate floor from the point of view of most Democrats. This is a much better bill.

This conference report is much less backloaded—less backloaded by a third compared with the House-passed bill. It is, in terms of the frontloading/backloading, the same as the Finance Committee-passed bill.

It retains the child credit refundability provisions so important to so many people, particularly the children in our country who otherwise do not get benefits. This proposal was championed by Senator SNOWE, Senator JOHN KERRY, and many others. We are proud to have that provision in the bill.

It also very much helps the distribution of this bill toward middle- and low-income Americans. Every American gets a tax cut from this bill. The most wealthy get a greater tax cut because they pay the most taxes. But I might say middle-income Americans also get a very significant tax cut. In fact, they receive proportionately more than current law. The only exceptions to this proportionality are the estate tax provisions and, of course, many Senators favor those estate tax provisions whether they oppose the rest of the bill or not.

All in all, this is a bill which is fair. Its provisions are for the country.

In the education section, for example, Senator TORRICELLI's provision is excellent. Senator MARY LANDRIEU's adoption tax credit is an excellent provision as well. The pension provisions, which are very important to both sides, are in this bill. There is modest—not much but a modest alternative minimum tax cut provision. We, obviously, have to address that situation, and we will in the future.

The conferees worked off the Senate bill, not the House bill. This explains why we have all the provisions in the Senate bill that were not in the House bill.

On upper rates, we moved about halfway toward the House, but, frankly, the House moved more than halfway toward the Senate on upper rates. We create a 10-percent bracket retroactive to the first of this year.

One final point I would like to make. Some may complain that this bill is more expensive than the \$1.35 trillion allowed in the budget resolution. Their complaint is that the bill sunsets at the end of 2010 rather than September 30, 2011.

A point of order would lie against this conference report had we not moved the sunset date. As it is before us, all of the tax provisions in this bill terminate in 10 years, which means any estimates of cost over the subsequent 10 years are meaningless. There is no cost from this bill beyond 2011 because of the sunset. The change in the sunset date was necessary because of Senate rules. It also helped us make sure we have the provisions that we care about: education, child tax credit refundability, 10 percent rate; widening the bracket of 15 percent, and others.

I see my time is expiring. I urge Senators to remember, perfection should not be the enemy of the good. Nothing is perfect, even this bill, but it is a good bill.

I yield to whomever next seeks time.

CONGRESSIONAL BUDGET ACT COMPLIANCE

Mr. DOMENICI. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the RECORD a list of material in the conference agreement on H.R. 1836 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

To the best of my knowledge, H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001, contains no material considered to be extraneous under subsections (b)(1)(A),

(b)(1)(B), and (b)(1)(E) of section 313 of the Congressional Budget Act of 1974.

SUBMITTING CHANGES TO COMMITTEE ALLOCATIONS, FUNCTIONAL LEVELS, AND BUDGETARY AGGREGATES

Mr. DOMENICI. Mr. President, section 310(c)(2) of the Congressional Budget Act, as amended, provides the chairman of the Senate Budget Committee with authority to revise committee allocations, functional levels, and budgetary aggregates for a reconciliation conference report which fulfills an instruction with respect to both outlays and revenues. The chairman's authority under 310(c) may be exercised if the following conditions have been satisfied:

1. The conferees report a bill which changes the mix of the instructed rev-

enue and outlay changes by not more than 20 percent of the sum of the components of the instruction, and,

2. The conference agreement still complies with the overall reconciliation instruction.

I find that the conference report on H.R. 1836 satisfies the two conditions above and pursuant to my authority under section 310(c), I hereby submit revisions to H. Con. Res. 83, the 2002 budget resolution. The attached tables show the current 2002 budget resolution figures as well as the revised committee allocations, functional levels, and budgetary aggregates.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002 - H. CON. RES. 83
 REVISIONS TO CONFERENCE AGREEMENT
 PURSUANT TO SECTION 310(c)(2)(A)

SECTION 101

(1)(A) Revenues (on-budget)	(3) Budget Outlays (on-budget)	(6) Debt Held by the Public	
FY 2001	1597,318	FY 2001	3190,193
FY 2002	1643,039	FY 2002	2870,259
FY 2003	1702,895	FY 2003	2645,586
FY 2004	1774,940	FY 2004	2403,490
FY 2005	1847,188	FY 2005	2149,356
FY 2006	1917,404	FY 2006	1853,129
FY 2007	1998,677	FY 2007	1528,959
FY 2008	2097,244	FY 2008	1168,137
FY 2009	2208,199	FY 2009	939,000
FY 2010	2327,565	FY 2010	878,000
FY 2011	2453,350	FY 2011	818,000

(4) Deficits or Surpluses (on-budget)

FY 2001	-33,144	82,951
FY 2002	-60,449	162,318
FY 2003	-79,216	56,144
FY 2004	-89,395	59,749
FY 2005	-102,582	49,170
FY 2006	-122,179	71,899
FY 2007	-137,078	79,115
FY 2008	-145,566	94,706
FY 2009	-151,917	128,442
FY 2010	-161,737	164,643
FY 2011	-174,543	200,758

(2) Budget Authority (on-budget)

(5) Public Debt	
FY 2001	1567,519
FY 2002	1514,828
FY 2003	1673,766
FY 2004	1739,557
FY 2005	1821,708
FY 2006	1873,799
FY 2007	1952,072
FY 2008	2032,774
FY 2009	2110,659
FY 2010	2195,060
FY 2011	2286,341

CONCURRENT RESOLUTION ON
THE BUDGET FOR FISCAL YEAR
2002 - H. CON. RES. 83
REVISIONS TO CONFERENCE
AGREEMENT

PURSUANT TO SECTION 310(c)(2)(A)

(13) Income Security (600)

FY 2001	BA	255.942
	OT	256.932
FY 2002	BA	280.412
	OT	278.694
FY 2003	BA	291.726
	OT	290.473
FY 2004	BA	303.109
	OT	301.499
FY 2005	BA	318.305
	OT	316.780
FY 2006	BA	325.713
	OT	324.264
FY 2007	BA	332.525
	OT	331.096
FY 2008	BA	347.396
	OT	346.068
FY 2009	BA	359.366
	OT	357.792
FY 2010	BA	370.774
	OT	369.066
FY 2011	BA	382.756
	OT	380.582

CONCURRENT RESOLUTION ON
THE BUDGET FOR FISCAL YEAR
2002 - H. CON. RES. 83
REVISIONS TO CONFERENCE
AGREEMENT

PURSUANT TO SECTION 310(c)(2)(A)

(18) Net Interest (900)

FY 2001	BA	274.305
	OT	274.305
FY 2002	BA	256.470
	OT	256.470
FY 2003	BA	249.738
	OT	249.738
FY 2004	BA	245.171
	OT	245.171
FY 2005	BA	238.631
	OT	238.631
FY 2006	BA	234.349
	OT	234.349
FY 2007	BA	230.627
	OT	230.627
FY 2008	BA	226.065
	OT	226.065
FY 2009	BA	220.389
	OT	220.389
FY 2010	BA	213.152
	OT	213.152
FY 2011	BA	205.363
	OT	205.363

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002 - H. CON. RES. 83
 5/26/01 REVISIONS TO CONFERENCE AGREEMENT (AS PREVIOUSLY REVISED 5/16/01)
 PURSUANT TO SECTION 310(c)(2)(A)

SECTION 101

(1)(A) Revenues (on-budget)	(3) Budget Outlays (on-budget)	(6) Debt Held by the Public	
FY 2001	1556.654	FY 2001	3231.768
FY 2002	1668.665	FY 2002	2886.599
FY 2003	1695.042	FY 2003	2668.642
FY 2004	1761.614	FY 2004	2438.980
FY 2005	1847.328	FY 2005	2182.801
FY 2006	1911.699	FY 2006	1892.898
FY 2007	1992.555	FY 2007	1575.711
FY 2008	2091.019	FY 2008	1221.581
FY 2009	2200.801	FY 2009	939.000
FY 2010	2312.134	FY 2010	878.000
FY 2011	2509.266	FY 2011	818.000

(1)(B) Changes in Federal Revenues

(1)(B) Changes in Federal Revenues	(4) Deficits or Surpluses (on-budget)
FY 2001	-73.808
FY 2002	-34.823
FY 2003	-87.069
FY 2004	-102.721
FY 2005	-102.442
FY 2006	-127.884
FY 2007	-143.200
FY 2008	-151.791
FY 2009	-159.315
FY 2010	-177.168
FY 2011	-118.627

(2) Budget Authority (on-budget)

FY 2001	1568.430
FY 2002	1515.220
FY 2003	1672.629
FY 2004	1738.664
FY 2005	1819.803
FY 2006	1874.417
FY 2007	1952.934
FY 2008	2033.241
FY 2009	2111.217
FY 2010	2197.088
FY 2011	2288.213

(5) Public Debt

FY 2001	5649.256
FY 2002	5566.177
FY 2003	5632.418
FY 2004	5701.298
FY 2005	5763.812
FY 2006	5813.429
FY 2007	5852.750
FY 2008	5874.662
FY 2009	5988.315
FY 2010	6343.661
FY 2011	6720.963

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002 - H. CON. RES. 83
 5/26/01 REVISIONS TO CONFERENCE AGREEMENT (AS PREVIOUSLY REVISED 5/16/01)
 PURSUANT TO SECTION 310(c)(2)(A)

(13) Income Security (600)		(18) Net Interest (900)	
FY 2001	BA	FY 2001	BA
	OT		OT
FY 2002	BA	FY 2002	BA
	OT		OT
FY 2003	BA	FY 2003	BA
	OT		OT
FY 2004	BA	FY 2004	BA
	OT		OT
FY 2005	BA	FY 2005	BA
	OT		OT
FY 2006	BA	FY 2006	BA
	OT		OT
FY 2007	BA	FY 2007	BA
	OT		OT
FY 2008	BA	FY 2008	BA
	OT		OT
FY 2009	BA	FY 2009	BA
	OT		OT
FY 2010	BA	FY 2010	BA
	OT		OT
FY 2011	BA	FY 2011	BA
	OT		OT

255.942	275.216
256.932	275.216
279.366	257.908
277.648	257.908
289.549	250.778
288.296	250.778
300.683	246.704
299.073	246.704
314.563	240.468
313.038	240.468
324.398	236.283
322.949	236.283
331.088	232.926
329.659	232.926
345.193	228.735
343.865	228.735
356.863	223.450
355.289	223.450
369.089	216.865
367.381	216.865
381.604	208.387
379.430	208.387

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT
TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2001
(in millions of dollars)
Revised 5/26/01 pursuant to section 310(c)(2)(A)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Appropriations				
General Purpose Discretionary	640,803	617,507	0	0
Memo:	637,372	614,136		
<i>on-budget</i>	3,431	3,371		
<i>off-budget</i>	0	26,920	0	0
Highways	0	4,639	0	0
Mass Transit	332,768	316,432	0	0
Mandatory	973,571	965,498	0	0
Total				
Agriculture, Nutrition, and Forestry	26,339	22,544	29,963	12,133
Armed Services	50,881	50,764	54	54
Banking, Housing and Urban Affairs	11,512	4,075	0	0
Commerce, Science, and Transportation	394	(3,472)	751	749
Energy and Natural Resources	2,691	2,609	40	51
Environment and Public Works	39,185	1,838	0	0
Finance	708,307	705,691	169,158	169,328
Foreign Relations	11,369	10,433	0	0
Governmental Affairs	60,669	59,270	0	0
Judiciary	5,064	4,847	264	264
Health, Education, Labor, and Pensions	9,726	8,740	1,852	1,851
Rules and Administration	112	68	0	0
Veterans' Affairs	1,249	1,245	23,556	23,465
Indian Affairs	267	233	0	0
Small Business	(375)	(475)	0	0
Unassigned to Committee	(330,341)	(313,341)	0	0
TOTAL	1,570,620	1,520,567	225,638	207,895

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT
TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2002
(in millions of dollars)
Revised 5/26/01 pursuant to section 310(c)(2)(A)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Appropriations				
General Purpose Discretionary	546,945	537,091	0	0
Memo:	543,366	533,566		
<i>on-budget</i>	3,579	3,525		
<i>off-budget</i>	0	28,489	0	0
Highways	0	0	0	0
Mass Transit	0	5,275	0	0
Conservation	1,760	1,232		
Mandatory	358,567	350,837	0	0
Total	907,272	922,924	0	0
Agriculture, Nutrition, and Forestry	21,175	17,856	22,293	13,209
Armed Services	53,053	52,964	54	54
Banking, Housing and Urban Affairs	8,417	1,273	0	0
Commerce, Science, and Transportation	13,452	9,630	805	801
Energy and Natural Resources	2,543	2,435	40	56
Environment and Public Works	41,494	1,799	0	0
Finance	703,971	703,440	185,672	185,713
Foreign Relations	11,706	10,454	0	0
Governmental Affairs	62,982	61,610	0	0
Judiciary	5,195	4,669	264	264
Health, Education, Labor, and Pensions	10,179	9,419	1,804	1,822
Rules and Administration	87	33	0	0
Veterans' Affairs	1,620	1,622	26,902	26,762
Indian Affairs	272	280	0	0
Small Business	0	(100)	0	0
Unassigned to Committee	(329,947)	(320,947)	0	0
TOTAL	1,513,471	1,479,361	237,834	228,681

**SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT
TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
5-YEAR TOTAL: 2002-2006
(in millions of dollars)
Revised 5/26/01 pursuant to section 310(c)(2)(A)**

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	69,640	52,349	106,745	71,186
Armed Services	305,980	305,551	274	274
Banking, Housing and Urban Affairs	59,463	2,355	0	0
Commerce, Science, and Transportation	72,789	50,419	4,493	4,468
Energy and Natural Resources	11,145	10,947	200	230
Environment and Public Works	181,030	8,380	0	0
Finance	3,767,770	3,765,024	1,086,697	1,086,656
Foreign Relations	59,747	54,108	0	0
Governmental Affairs	337,994	331,886	0	0
Judiciary	22,667	22,405	1,320	1,320
Health, Education, Labor, and Pensions	48,155	46,411	8,972	8,995
Rules and Administration	436	414	0	0
Veterans' Affairs	9,989	9,964	148,529	147,804
Indian Affairs	1,103	1,116	0	0
Small Business	0	(200)	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT
TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
10-YEAR TOTAL: 2002-2011
(in millions of dollars)
Revised 5/26/01 pursuant to section 310(c)(2)(A)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	114,692	80,210	225,304	156,220
Armed Services	671,521	670,656	549	549
Banking, Housing and Urban Affairs	132,028	(3,390)	0	0
Commerce, Science, and Transportation	164,611	118,775	10,178	10,292
Energy and Natural Resources	22,064	21,882	400	430
Environment and Public Works	371,833	15,995	0	0
Finance	8,335,364	8,328,746	2,663,216	2,662,654
Foreign Relations	122,819	113,442	0	0
Governmental Affairs	743,601	733,189	0	0
Judiciary	45,724	44,848	2,640	2,640
Health, Education, Labor, and Pensions	102,173	97,860	17,950	17,973
Rules and Administration	875	916	0	0
Veterans' Affairs	19,277	19,318	317,909	316,669
Indian Affairs	2,112	2,108	0	0
Small Business	0	(200)	0	0

Ms. CANTWELL. Mr. President, I support efforts to provide hard-working Washingtonians and all Americans with tax relief such as eliminating the marriage penalty, making college tuition tax deductible, providing estate tax relief, and assisting workers in saving for their retirement.

That's why I voted for the amendment offered by Senator DASCHLE that would have provided roughly \$900 billion in tax relief, including immediate \$300 refund checks for all American taxpayers, given all income taxpayers a tax cut by creating a new ten percent income tax bracket, provided marriage penalty relief right away, as opposed to years from now as in the conference report, wiped out the estate tax for the vast majority of taxable estates, established a permanent research and development tax credit to stimulate research and innovation, provided a deduction for college tuition, enhanced incentives for retirement savings, and created a package of energy conservation and efficiency tax incentives, among other important provisions. This amendment also made sure that Social Security and Medicare are protected and reserved sufficient funds to enact a Medicare prescription drug benefit.

Unfortunately, that amendment failed and instead the Senate today considered, and passed, a \$1.5 trillion tax cut. When you take away all the gimmicks, some estimate \$1.9 trillion. This cost explodes to over \$2 trillion when you add interest costs and exceeds \$4.3 trillion in its second ten years. I believe that the bill we have passed today is short-sighted and fiscally irresponsible. Comprehensive tax relief must be measured against the need to maintain fiscal discipline, and stimulate economic growth through continued federal investment in education and job training, as well as giving relief to citizens in times of surplus. The conference report passed today fails this test.

The tax cut is based on the promise of budget projections for the next ten years—projections that are notoriously inaccurate. Ten years is just about the worst planning horizon possible—too long for accuracy, too short for completeness. Moreover, these tax cuts are premised on a surplus that may or may not appear. Budget projections are notoriously inaccurate and, therefore, highly likely to be wrong, especially when projected out ten years. Indeed, the nonpartisan Congressional Budget Office says its surplus estimate for 2001 could be off in one direction or the other by \$52 billion. By 2006, this figure could be off by \$412 billion. It is very likely that we will only be able to afford this tax cut by raiding the Social Security and Medicare trust funds.

We need to invest in our nation's economic future by making a commitment to research and development to maintain our status as a global leader. Even though the Senate included a permanent extension of the research and de-

velopment tax credit in its version of the bill, that provision was dropped in conference. That was a mistake. We need to do more, not less, in these times of economic uncertainty to stimulate investment and spur our economy forward.

The country is at a critical juncture in setting our fiscal priorities: our choices are maintaining our fiscal discipline and investing in the nation's future education and health care needs, or cutting the very services used daily by our citizens. I am afraid that today we have gone down the wrong path. Our approach should be more balanced. We should provide tax relief to all Americans but retain our ability to invest in our citizens education and pay down the debt. This will best help continue and enhance our long-term economic strength.

Mr. NELSON of Florida. Mr. President, I rise in opposition to the conference report to H.R. 1836, the reconciliation tax legislation. I strongly support paying down our national debt. I support fair tax cuts, marriage penalty relief, and estate tax repeal. I voted for a substitute for a \$900 billion tax cut, and another substitute which provided for a \$1.2 trillion tax cut.

But this bill does not meet my criteria that the Social Security and Medicare trust funds will not be touched now or in the future. Because of the fiscally irresponsible way the bill was drafted, with gimmicks like changing the beginning and ending dates of key tax provisions, this bill is flawed public policy that will in fact cost our country much more than the \$1.35 trillion allowed by the budget resolution.

As a fiscal conservative, I cannot in conscience, nor in substance, vote for this bill. This legislation is the height of fiscal irresponsibility.

In order to make the tax cut fit into the limits of \$1.35 trillion over 10 years imposed by the budget resolution, this bill suspends the tax cuts in the ninth year, reverting to the status quo of current law with no tax cuts in the tenth year. This is fiscal deception at its worst.

If the tax cut is extended in the tenth year by future Congresses, as expected, the cost then becomes \$1.53 trillion over 10 years, which breaks the budget agreement, and therefore, throws us into fiscal chaos.

This legislation greatly increases the likelihood that the Federal Government will use up all of the projected surplus and there will not be any left over to pay down the national debt without raiding the Medicare and Social Security trust funds. That would be tragic.

And if there are additional investments needed over the next decade, as there certainly will be, such as for education, the environment, health care, and national defense, then the federal budget will be written in the red ink of deficit spending.

In other words, we would be spending more than we have coming in, and therefore, increasing the national debt.

I will not take such a risky course with our economy, and I must express myself in the strongest possible terms.

Mr. CORZINE. Mr. President, I rise in strong opposition to this conference report.

I have been in the Senate for 143 days, and I have felt honored to serve with senators from both sides of the aisle. Today, however, we vote on a conference report that fails the tests of intellectual honesty, fairness, and fiscal responsibility.

The conference report is not intellectually honest. It cynically includes a variety of provisions designed to hide its true costs. Some provisions are not effective for several years. Some are sunsetted after a few years. And all are eliminated after 9 years. In addition, the conference report fails to extend the research and development tax credit, it fails to extend many of the other expiring provisions that we know will be extended, and it fails to provide relief from the alternative minimum tax that we all know will be necessary. These are nothing more than deceptive inventions to shoehorn tax provisions that far exceed \$1.35 trillion, the limit agreed to in the budget resolution. These deceptions are intended to divert the American people from the real costs of the legislation. Ultimately, they will only reinforce the public's cynicism about politics.

The conference report also is fundamentally unfair. It would provide tax benefits averaging more than \$50,000 for the top one percent, whose average incomes well exceed one million dollars. Meanwhile, the overwhelming majority of ordinary taxpayers, 72 million of whom are in the 15 percent tax bracket, will receive no marginal rate relief at all. That is not fair, and it is not right.

As a matter of fairness, how can the top one percent of taxpayers, who pay 22 percent of federal taxes, receive 38 percent of this legislation's benefits? Where is the tax relief for those working Americans who carry the heavy burden of payroll taxes, sales taxes and property taxes?

Finally, Mr. President, this conference report is fiscally irresponsible. In fact, this tax bill returns America to a dangerous formula for fiscal affairs which runs the risk of promoting financial instability as this legislation unfolds. We surely jeopardize the financial stability of Social Security and Medicare by limiting federal revenues which could be used to shore them up for the impending retirement of the baby boomers, and to provide a prescription drug benefit for seniors today.

But maybe the most important financial consideration is the 180 degree turn from our recent commitment to fiscal responsibility and the reduction of our public debt. The return to fiscal irresponsibility in the 1990's led to the

greatest expansion we have enjoyed since World War Two. We have experienced thriving entrepreneurship and productivity gains. 22 million jobs have been created. Two million businesses were established. And we have enjoyed the longest period of low inflation in decades. All of this is now at risk.

Once global financial markets—currency, debt, and equity—begin to fully understand the long-term implications for fiscal discipline, I fear in the intermediate or long-term we will have instability in these markets. That instability potentially will limit investment due to rising interest rates, a depreciating dollar and lower equity valuations. It may take some time for the full impact of this tax package's implications to be understood, but I believe the analysis will come and the problems will occur.

We all support a legitimately sized and directed tax cut. It is unfortunate that we have chosen this tax cut, which limits our ability to secure Social Security and Medicare for the long-term, which will make it impossible to pay off our national debt, and limit our ability to deal with important domestic and defense priorities we all say we support.

I hope that my colleagues will reflect on the concerns I have outlined with respect to intellectual honesty, fairness and financial stability, and vote no on the conference report.

Mr. CRAIG. Mr. President, I rise in support of the Conference Report for H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001.

I commend the leadership and hard work of the chairman and ranking member of the Finance Committee, as well as the many colleagues who have actively helped shape this bill. This bill is a true accomplishment, and a truly bipartisan one at that.

As an adoptive parent, myself, I especially want to comment on one section: Section 202, for the extension, expansion, and improvement of the adoption tax credit and adoption assistance programs.

I am happy to note that this section is virtually identical to the Senate floor amendment proposed by the Senator from Louisiana, Ms. LANDRIEU, and myself. This is a perfect example of a bipartisan effort that will accomplish much good for so many people in need.

The adoption provisions include the following:

Extending the regular adoption tax credit, and the exclusion from income for adoption assistance programs, making them permanent, like the currently-permanent special needs adoption tax credit; Increasing both the tax credit and the income exclusion to \$10,000; For families adopting special needs children, de-linking the special needs credit from cumbersome and inflexible IRS regulations that currently exclude a wide range of legitimate adoption expenses related to these children; Protecting the benefit of the adoption tax credit by allowing the credit against the alternative min-

imum tax, permanently; and Making both the adoption credit and exclusion for assistance available to more families—and more children needing adoption—by lifting the cap on income eligibility to \$150,000.

It is not possible to overstate the importance of these provision to the many families and many children who have hoped to build an adoptive family, but have found so many barriers to doing so. In agreeing to include these provisions in this conference report, the Congress has taken a giant pro-adoption and pro-family step forward. More children will have loving and permanent homes. I thank my colleagues for that.

Overall, this bill signals a great day in America. The Congress has delivered the tax relief the American people voted for when they put George Bush in the White House, and elected this Congress.

There has never been a more important time to reduce the tax burden—right now Americans are more heavily taxed than at any time in history and pay more in taxes than they spend on food, clothing, and housing combined.

This tax relief agreed upon today is a quality example of how Republicans and Democrats can work together to get the job done for the American taxpayer.

This bill means relief for every American who pays taxes. Compared with their current tax burdens, this bill provides the most relief to modest—and middle-income families. It is good for small businesses and jobs, and it will help jump-start the economy at a critical time. This bill means hard-working Americans and their families will have a little more freedom, and the Federal Government a little less control over their lives.

I commend my colleagues for passing this bill, and I applaud our President for having the vision and tenacity to initiate this tax relief and see it through to becoming law.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the reconciliation conference report currently pending before the Senate.

I do so for a simply reason: I strongly believe that when the Government is in position to be able to return money to the American taxpayers, we should.

Likewise, I believe that when times are tough the Government has an obligation to consider increasing taxes to meet the need of the Nation. This is what we did in 1993, when I first came to the Senate and we were facing mounting deficits and an increasing national debt.

And today, thanks to those hard choices, the budget is in balance and we have surplus projections for the next decade. We are in a position to return some of the hard-earned money of the American people.

This approach to taxes—that the Government taxes when it must, and decreases taxes when it can—is the approach that I took when I was mayor of San Francisco, and it is the approach that I continue to follow to this day.

Additionally, I believe that this tax package is important to my State,

California, which today stands on the precipice of a major economic slowdown.

California is the largest taxpaying State in the Nation, with some 13 million income taxpayers. In fact, California is a net contributor to the federal budget, giving more in taxes than we receive in benefits.

Today, as many of my colleagues are aware, a serious and acute energy crisis is causing businesses in California to shut down, and people to be laid off of work.

Already this year it is estimated that between \$25 and \$30 billion have been taken out of the California economy to be spent on increased energy costs. If things continue on the same course this figure will mushroom in the months ahead. This is a major problem, and one whose impact will not just be limited to California.

In my judgment the benefits provided under this tax package are important, at this time, to help California and Californians face the economic challenges created by this energy crisis. For example, the creation of the new 10-percent income tax bracket, for example, will result in an annual tax cut of \$300 for an individual, \$600 for a couple for all California income taxpayers. This new 10-percent bracket is retroactive, and for people seeing their energy bills spiral up and up, receiving these refunds checks will be a big relief.

Likewise, this conference report has accelerated the tax relief in the upper tax brackets, so that middle class families in the 28-percent and 31-percent brackets will see their tax bills decrease in 2001 and 2002, with the lower withholding rates going into effect this July, just as the energy crisis in California is projected to reach a new plateau.

And the child credit provisions, refundable as per the Senate-passed bill, will provide much-needed assistance to California families earning as little as \$10,000—and there are 1.5 million households in California that make between \$10,000 and \$20,000.

As I discussed on the floor earlier this week, I also believe that other provisions of this bill—providing marriage penalty relief, estate tax relief, providing pension and education incentives, and making a down payment in addressing the alternative minimum tax problem—are likewise important to assure the continued long-term economic health of the California economy, and will benefit many hard-working American families.

I would not argue that this is the perfect bill. Nor would I claim that it is the exact bill that I would have drafted.

Some of my colleagues, for example, have raised concerns that the size of this tax package may threaten to undermine future fiscal stability. I share these concerns. But I would remind my colleagues that although this bill may be larger than some on our side contemplated at the beginning of the year,

it is also far smaller than the proposal put forward by the President. And I would also remind them that this bill contains "sunset" provisions—critical to my decision to support this legislation—which will allow us to revisit the components of this bill in the future, and make adjustments if and as need be.

The bottom line is that I believe that this is a bill that will provide significant relief to the people of California and the people of the United States. I urge my colleagues to join me in support.

Mr. BINGAMAN. Mr. President, I rise to note that on today's vote on the tax reconciliation bill conference report, I will be pairing with my colleague, Senator DOMENICI. My position on this tax bill is well known, as is Senator DOMENICI's. Were I actually casting a vote, it would be a "no" vote, just as it has been in the Finance Committee and on the Senate floor previously. I have grave concerns about this bill and its implications for our future budgets, and its implications for New Mexico, and I remain opposed to the substance of this conference report.

Since he had important commitments in New Mexico during the past 48 hours, Senator DOMENICI is unable to be here for today's vote, and he has made a personal request that I pair with him. As a courtesy to my colleague, I have agreed to do so, and would ask Senate records to reflect my position on this bill as a "no" vote.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, just as I voted no on the Senate version of this tax bill because it was fiscally irresponsible, raided Social Security and Medicare, and would force cuts in investments in working Americans, including education, so too do I oppose this conference report. It is even worse, and if I were able to be present for the vote, I would vote no.

The top marginal tax rate—that for the wealthiest of Americans—is reduced even more than in the Senate bill. Instead of dropping to 36 percent, it drops to 35 percent. And with other changes in the bill, the administration is claiming that the top rate has been effectively reduced to 33 percent.

The refundability of the child tax credit—a key to helping children in low-income families—has been changed. By indexing the eligibility threshold, it will leave children behind.

And I continue to oppose the repeal of the estate tax. This overwhelmingly benefits the wealthiest Americans. Only 2 percent of Americans are subject to the estate tax.

All of this means, that the richest 1 percent of Americans, earning an annual average salary of over \$1.1 million, will, according to The Washington Post, receive about 40 percent of the tax cut. That is unfair.

Finally, this tax bill plays a game with our fiscal future. To meet the tar-

get of \$1.35 trillion of tax cuts over the next 10 years, all of the tax cuts in this bill expire in nine years. Why? Because if they were in effect 10 years from now, the cost of this bill would be astronomical, and it would be very clear to the American people that this tax bill is nothing but a riverboat gamble with our children's future.●

Mr. LIEBERMAN. Mr. President, I am deeply disappointed with the tax bill that we are voting on today. As I have expressed for some months now, I believe that we can afford a significant and responsible tax cut and I would very much like to vote for one. However, the bill that we are considering today has come back to us from the conference committee as an even more irresponsible piece of legislation than the already bloated and gimmicky bill that we passed out of the Senate earlier this week. With a wink and a nod, this legislation backloads and sunsets provisions in order to squeeze a tax cut of at least \$1.7 trillion into a reconciliation package requiring a much smaller \$1.35 trillion tax cut. Even more alarming, because so many provisions of this bill are heavily backloaded, the full cost can really be seen only by examining the cost in the second 10 years, from 2012 to 2021. This is the first period in which all of the measures in the bill would be fully effective. This bill would cost more than \$4 trillion during its second ten years.

This tax cut squanders the hard-earned prosperity that our country has built over the last several years of historic economic growth. It returns us to the fiscal nightmare of the 1980s. This huge tax cut will bust the budget, resurrect the deep deficits of the past, and drive our economy into a ditch. For these reasons I will vote against this bill and urge my colleagues to do so as well.

Ms. SNOWE. Mr. President, I rise in support of the bipartisan conference report on the fiscal year 2002 tax cut reconciliation package that provides much needed tax relief for the American people, including a provision that I and Senator LINCOLN and others fought to retain: a new refundable per child tax credit for low-income, working families.

I first want to thank and commend Chairman GRASSLEY and Ranking Member BAUCUS for working so closely together to develop a fair and balanced tax bill that passed the Senate by a vote of 62 to 38 last week—and for fighting to retain the structure and focus of that package so effectively in the ensuing House-Senate conference. Because of their efforts—and the manner in which they so successfully defended the Senate's position—I believe the conference report we are now considering deserves at least the same level of bipartisan support as the original Senate bill, and urge its adoption.

No package could truly be said to produce fairness without including a refundable child tax credit. That's why, as part of the original Senate package,

I worked with Senators LINCOLN, KERRY and BREAUX—as well as both the Chairman and Ranking Member—to include a provision that builds on the President's proposal to double the \$500 per child tax credit by making it refundable to those earning \$10,000 or more, retroactive to the beginning of this year. That's why I offered an amendment last week that called for the retention of this provision in the House-Senate conference—an amendment that was adopted by a vote of 94 to 4. And that's why, during the conference, I continued to fight to retain this provision in the face of strong resistance by detractors.

Through these efforts—and because of the unyielding support of Chairman GRASSLEY and Ranking Member BAUCUS—families earning the minimum wage will be able to receive a refundable per child tax credit for the first time. Let there be no mistake, this is introducing a wholly new concept with respect to that child tax credit, and one that is most assuredly warranted.

How will this help? In its original form, the tax relief plan would not have reached all full-time workers—the tax reduction would have disappeared for wage-earners with net incomes of less than about \$22,000. Indeed, without refundability, there are almost 16 million children whose families would not benefit from the doubling of the Child Tax Credit. To give an idea of how many children we're really talking about, that's about twice the population of New York City or about thirteen times the entire population of my home State of Maine.

Thanks to this provision, the bill now provides a substantial tax credit to a total of 37 million families and 55 million children nationwide who might otherwise have gained no benefit from the proposal to simply double the per-child credit.

Many of these are families earning minimum wage, struggling to make ends meet in addition to paying their share of State and local taxes, payroll taxes, gasoline taxes, phone taxes, sales taxes, and property taxes. All told, the average full-time worker earning the minimum wage pays more than \$1,530 in payroll taxes, and more than \$300 in federal excise taxes.

This is no small burden to working families already living on the fiscal edge. In fact, despite America's strong economy, one in six children live in poverty, and the number of low-income children living with a working parent continues to climb. My provision to make the child tax credit refundable will give these families a hand up as they strive for self-sufficiency, and give these kids the hope of a childhood without poverty.

When fully phased-in, the partially refundable credit will provide a benefit of up to 15 cents on every dollar earned above \$10,000 per year, adjusted for inflation. Likewise, the maximum refundable credit will rise from \$500 to \$600 this year, increasing to \$1,000 by

2011. Families with more than one child would also receive a refundable credit based on their income.

Will this tax relief solve all the financial problems faced by eligible families? No. But it will help to purchase essentials, like groceries, heating fuel, or electricity. And it sends an important message of encouragement that we want those who work hard and strive to improve their lives to succeed. Refundability shows that tax relief is for all full-time working families.

With these kinds of adjustments, we take a critical first step in ensuring that the balance of this package in its totality will help lower and middle income taxpayers.

The fact of the matter is that the case for tax cuts has never been more compelling. As a percent of GDP, federal taxes are at their highest level, 20.6 percent, since 1944—and all previous record levels occurred during time of war or during the devastating recession of the early-1980s, when interest rates exceeded 20 percent and the highest marginal tax rate was 70 percent.

The fact of the matter is, it would be irresponsible not to return a reasonable portion of the surplus—which is really just an overpayment in the form of taxes—to the American taxpayer. And there should be no mistake—if we fail to enact meaningful relief package, we will fail both working families and the economy upon which their work depends.

And let us not forget that this package is nearly 25 percent smaller than was proposed by President Bush in his budget. Let us not forget that it will utilize less than one-half of the projected surplus over the coming 10 years, 45.7 percent, excluding both Social Security and Medicare surpluses.

In fact, even with a \$1.25 trillion tax cut over the coming ten years, we will still have about \$1.5 trillion available for other priorities, including the funding of a new prescription drug benefit and additional debt reduction. This package is neither unreasonable nor irresponsible.

Just as importantly, many of us fought hard to ensure that the benefits of this tax cut package will be weighted toward those who need relief the most—middle and lower-income taxpayers—and that weighting has been retained.

We have before us a thoughtful proposal that addresses concerns I, myself, had with the distributional effects of the original package. And it does so in a variety of meaningful ways—retroactively creating a new “ten percent” bracket, providing much-needed AMT relief for middle-income families, and ensuring marriage penalty relief for all couples while bolstering the Earned Income Tax Credit.

And that’s not all. The bipartisan education package that the Finance Committee reported in March is included in this bill, along with a new de-

duction of up to \$4,000 for higher education tuition paid—a provision that I sought along with Senators TORRICELLI and SCHUMER. With the cost of college quadrupling over the past 20 years—a rate nearly twice as fast as inflation—this provision will provide critical assistance to individuals and families grappling with higher education costs.

It also includes the bipartisan IRA and pension package—introduced separately by Senators GRASSLEY and BAUCUS that will not only strengthen and improve access to pensions and IRA’s, but also enhance fairness for women who frequently leave the workforce during prime earnings years, and suffer from reduced retirement savings accordingly.

Again, this is a balanced and fair package. In looking at the various analyses of the changes we made to the package, the Joint Tax Committee estimates that those earning less than \$50,000 will see their share of federal taxes drop from 14.3 percent under current law to 14 percent in 2006. Conversely, in the same year, the share of federal taxes paid by those with incomes of \$100,000 or more will increase from 58.4 percent to 58.7 percent.

Moreover, as a result of the refundability of the child tax credit, according to Joint Tax, those in the \$10,000 to \$20,000 income range will see their share of federal taxes reduced from 1.5 percent to 1.4 percent—a reduction of \$3 billion. And by 2006, this level is down to 1.1 percent.

And in terms of the overall package, it is worth noting that creation of the new 10 percent bracket accounts for \$421 billion, while reductions in all other brackets amount to \$420 billion—that’s 50 percent of the cuts going to the lowest bracket alone.

As for the compromise we developed that results in a reduction of the uppermost bracket from 39.6 to 35 percent, it’s worth noting that many individuals in that bracket are small business owners whose business-related income is taxed as personal income.

According to the Treasury Department, in 2006, 63 percent of the tax returns that would benefit from reducing marginal rates in the top two brackets would be reporting some income or loss from a business. And in my home State of Maine, for example, about 97 percent of all businesses are small business.

The reality is, small businesses have played a central role in our Nation’s economic expansion. From 1992 to 1996, for example, small firms created 75 percent of new jobs—up 10.5 percent—while large-company employment grew by 3.7 percent. So why—when we’re talking about such a tremendous impact on individuals and the economy—when the top corporate tax rate is 35 percent—why should we continue making small business men and women pay more?

And let’s face it, the economic impact of this tax cut cannot be dismissed. In fact, given the warning signs in our economy, I believe the timing of

this tax package is fortuitous. One Business Week article spoke of a terrible first quarter, stating that “The earnings of the 900 companies on Business Week’s Corporate Scoreboard plummeted 25 percent from a year earlier—The first quarter profit plunge was the Scoreboard’s sharpest quarterly drop since the 1990–91 recession.”

Productivity fell at a 0.1 percent annual rate in the first quarter—the first quarterly drop in six years. And layoffs are at their highest levels since they were first tracked in 1993, with major corporations announcing more than 572,000 job cuts this year. Little wonder, then, that the unemployment rate has risen to 4.5 percent, with April’s job loss the largest since February 1991.

Even more ominous is Business Week’s recent observation that if wide layoffs of high wage earners continue, the likelihood of recession becomes even greater.

And the Washington Post noted recently that Federal Reserve cuts in interest rates have been the most aggressive since the second quarter of 1982—the worst recession since the great depression—and that observation came before the most recent half-percent rate cut.

And while it is true that a tax cut may not actually prevent a recession, if one is in the offing, I well remember the words of Federal Reserve Chairman Alan Greenspan, who came before the Finance Committee in January.

Chairman Greenspan stated that tax cuts, while perhaps not having an immediate effect, could act as “insurance” should our recent downturn prove to be more than an inventory correction—that it could soften the landing and shorten the duration of any recession should it occur. And let’s keep this in mind as well—“blue chip” economists have indicated just this week that they are factoring the tax cut in their projections.

Given our growing economic uncertainty and the grim repercussions it could have, I am pleased that—as I urged on the floor last week and in a letter to the Senate conferees—the final conference report ensures that even more money will be in the hands of taxpayers this year than was originally anticipated in the Senate bill. Specifically, by providing for the delivery of refund checks to taxpayers this fall—\$300 for single taxpayers and \$600 for couples—tax relief will be accelerated during the current year, and hopefully help get the economy back on track.

I think the American public often thinks about tax cuts the way they would think of winning the lottery—it would be great if it really happened, but it in reality it really only happens for “the other guy”—that tax cuts will only apply to someone else—and if they do happen, they’ll be so small as to have no appreciable effect on everyday life.

Well, the American people should know that this tax cut applies to everyone, and especially those who could

use the break the most. And that's true not just on paper, but in reality—in the real world.

This is no phantom tax cut—this is real, this is balanced, and this is fair. And what this all comes down to is, if you're really serious about cutting taxes, you should support this package that begins the process of providing some relief given, once again, the status of our economy and the tax burden on the American people.

We know we're never going to get unanimity on an issue of this magnitude. But we can have progress and we can come to some kind of consensus. This package represents a bipartisan effort that, in the aggregate, is good for our future and good for the American taxpayer today. And it deserves our support. Thank you very much.

Mr. ROCKEFELLER. Mr. President, I rise today in strong opposition to this fiscally irresponsible conference report. Today, this tax cut perpetrates a fraud on the American people.

Their hard work created this surplus and this opportunity to sustain our economy and strengthen Social Security and Medicare. But no one should be fooled that this conference report is anything but an irresponsible, unfair, and politically motivated giveaway to the wealthiest in our society.

I deeply regret that we have failed to take this historic opportunity to provide a meaningful tax cut to all Americans, and at the same time, continue to make real progress paying down our national debt and reserve sufficient resources to invest in our future.

I voted for a \$900 billion tax cut that would have allowed us to provide all Americans with an immediate and meaningful tax cut across the board and that included important education and energy provisions, and would have allowed us to pay down the debt and provide a Medicare prescription drug benefit, as well leave room for other West Virginia priorities.

The conference report's tax cut is far too large to protect West Virginia's priorities and its future whether it's education, a Medicare prescription drug benefit, federal investments in roads and aviation safety, or safer communities. In fact, the true cost of this bill is probably over \$1.7 trillion over the 10 years of the budget. And because of backloading of the tax cuts, which means that the effective dates for many of the tax cuts don't occur for at least 5 years, the tax cut cost will explode in later years.

Even more farcical, the conferees have hidden even more of the true costs of the tax cut by making it appear that it will expire, and taxes substantially rise, after 2010. The Chairman and Ranking Member of the Committee know this is simply not what will happen, but they have nevertheless used this gimmick to make it appear that they have held to the Senate-passed Budget Resolution. It is ludicrous to think that the Congress would

impose a quarter of a trillion dollar tax increase on the American people in 2010 when this tax cut proposal expires. These tax cuts will be extended, and their cost will thus explode to \$4 trillion and more. That's not responsible, and it's bad economic policy.

What's even worse, this bill is just not fair to hardworking Americans who created the surplus.

This tax conference report simply gives too much to the wealthiest Americans and does too little to reduce our national debt. This tax plan endangers our ability to provide a desperately needed Medicare prescription drug benefit to 39 million American seniors and taps into the Medicare Trust Fund. It threatens Social Security just when our "baby boomers" start to retire. It leaves us too little to invest in our children's education, and jeopardizes our efforts to improve our Nation's transportation infrastructure. It chokes our ability to improve our national defense and veterans health care—ironically, just as many Members of Congress are planning to return to their states to honor their veterans on this coming Memorial Day. This tax bill short-circuits critical components of a balanced energy policy to invest in clean coal research and encourage alternative fuels and energy efficiency.

And this tax giveaway will, undoubtedly, return us to the huge budget deficits we worked nearly a generation to eliminate. All of us remember the consequences of the Reagan tax cut—two decades of spiraling deficits. And for my state of West Virginia, the consequences were devastating. As a Governor, I know how my state suffered. I don't want to return to those days, and West Virginians don't either. This proposal, regretfully, sets us on that path.

As the second ranking Democrat on the Senate Finance Committee, I was officially named a conferee on this tax legislation. I had hoped to work hard to improve the Senate-passed bill where we could, and, at a minimum, retain the Senate's provisions. While the Senate's tax proposal was backloaded and cost the same unaffordable \$1.35 trillion, it included some essential improvements for lower and middle income families. As grave a mistake as I believe this tax package is, and as dangerous as I believe it will be for our Nation's economic future, I was prepared to support these Senate provisions in conference and do what I could to prevent further erosion of the already tilted tax cut for the rich. I deeply regret to report, however, that neither the Minority Leader nor I were included in the negotiations of this bill. We were presented with this conference report after it had been completed and at the same time my nonconferee colleagues learned of the package's content. I note this procedural point only to raise my concern that we have deviated from the traditional committee processes and from any semblance of true bipartisan negotiating, to our Nation's and the Senate's ultimate detriment. The

Chairman's repeated assertions that this matter has been conducted in an open and inclusive process does not reflect reality.

Let me outline the most obvious problems with this irresponsible tax cut. The tax conference report has several fatal flaws. It plays games with the effective dates of the tax cuts in order to mask the real cost of this tax proposal. Those games mean that married people won't get relief from the marriage penalty for 5 years, until 2006. The reason why married people have to wait for their tax cut is because the conference report chose to give even more money to the wealthiest Americans at their expense.

The top income tax rate that was reduced from 39 percent to 36 percent in the Senate bill is now lowered to 35 percent by the terms of the conference report—that's a 1.6 percent deeper cut than any other income tax bracket. While there is no reduction in marginal rates for the 15 percent income tax bracket—where most Americans and most West Virginians pay their last dollar of tax—there is a 4.6 percent reduction for the wealthiest Americans who need it the least. West Virginians will not be fooled by that; they will see that this is unfair. When we get the best analysis from the experts, it will no doubt document just how much is robbed from middle income taxpayers to finance the tax break for the wealthiest. Only 0.3 percent of West Virginians are in the top income tax bracket. And let's not be misled by the rhetoric that the wealthy get more of the benefit only because they pay more taxes. Of course, the wealthiest Americans pay a significant share of Federal taxes—about 22 percent. The President's proposal would have given those wealthiest Americans 43 percent of the tax cuts. This conference report will give them roughly 38 percent of the entire tax cut. They pay in 22 percent, but they get 35 percent of the surplus. I can't explain why they have been rewarded with more of the surplus than they deserve at the expense of hardworking West Virginia families, and I can't support it. I can't support a tax cut that gives about 15 percent of our Nation's surplus to the bottom 60 percent of taxpayers, and 38 percent to the top 1 percent.

The estate tax provisions of this bill, also a benefit solely for the wealthy, begin almost immediately—in 2002, but middle income married couples are told they must wait for their relief until 2006. The estate tax is also totally repealed in 2010. But another startling fact about this tax bill is that the entire bill—even the tax relief for lower and middle income people, the child credit, and EITC improvements, all sunset in 2010 in order to pretend that this bill really costs \$1.35 trillion over 10 years. We know that this is a sleight of hand. We know Congress won't sunset or trigger off the tax cuts in 2010. So the true cost of this bill, while it purports to be \$1.35 trillion—will be

well over \$4 trillion in the next 10 years. The Senate-passed bill cost \$1.35 trillion over 10 years, but to finance the upper income tax cut, that timeframe was shortened by a year so about \$90 billion could be used to transfer it to the wealthiest Americans.

I should note that there are needed provisions to help lower and middle income families with children in this bill that I think we can all be proud of, even as they are set in the context of a tax bill for the wealthiest Americans. I do not support this massive irresponsible tax cut. But I do support the provisions to make the child tax credit partially refundable. I do support the provisions to increase the Earned Income Tax Credit, EITC, and to simplify and reduce errors in the EITC. As the Chairman of the National Commission on Children years ago, we issued a bold bipartisan report calling for a fully refundable child tax credit of \$1,000. The child credit and EITC provisions of this bill are a major step in that direction, and it will help millions of children and their families. I believe that tax relief should be directed towards the families that need it the most: the parents who are working and playing by the rules, but struggling to raise their children on low-wages. I cannot support this overall package because I do not believe it helps the majority of West Virginia families. But some of its provisions, like the partially refundable child tax credit, the EITC, and the education provisions will help families in my state who need and deserve help.

The Senate-passed tax bill, bloated as it was, included a permanent extension of the R&E tax credit. The conference report fails to include this provision. The R&E tax credit is a highly successful way of giving businesses an extra incentive to invest more in research and experimentation that is highly beneficial but otherwise can be beyond the reach of private companies. This investment benefits all Americans by allowing companies to expand our understanding of science and technology, and by enabling the marketplace to bring better products and services to everyone. Congress should permanently extend the credit, rather than leaving companies in limbo every few years about whether it will be merely extended, in order to provide businesses with the certainty they need to engage in long-term planning and resource allocation. If businesses can count on the credit, they can make the long-term, continuous investments that are necessary for real breakthroughs.

I am glad that this conference report included pension provisions that will help some middle income families save and improve portability. Again, here, I would have done more for the majority of taxpayers that need to be encouraged to save, but the balance of the bill is an important savings tool.

Finally, the sad fact is that this tax cut is now so large that it commits every dime of the surplus for tax cuts and current obligations, leaving nothing—

for Medicare solvency, new defense needs, or any other future or unanticipated emergencies.

I will conclude by saying I regret that we are passing this bill today without much opportunity to review its details, but knowing that overall it gives too much to those who already have much, and reserves too little for our Nation's most important priorities. I cannot support this tax bill, and I hope that my fear that this bill will endanger our Nation's economic future will be proven incorrect. It will unquestionably make meeting the many needs of my state more difficult.

Mr. McCONNELL. Mr. President, this bill is about righting wrongs in the tax code that are so flagrant as to transcend partisan rancor. It is not fair to penalize Americans for marrying. It is not fair to penalize Americans for dying. And it is not fair to ask the American citizen to pay more taxes than ever during a peacetime economy. The average American works almost two hours a day, or more than four months a year, to pay his or her federal tax burden. Tax Freedom Day did not arrive until May 3rd this year, the latest date ever.

It is fair, however, to help families shoulder the costs of raising children and to encourage Americans to save their hard-earned money for retirement and for education. This bill does just that. One provision of this bill of which I am extremely proud of is the proposal to make savings from qualified state tuition savings plans tax free. We are all aware of the high costs of obtaining a college education. Even when you account for inflation, we have seen a steady and stifling increase in the costs associated with attending an institution of higher learning. One of the most promising tools available to families who are trying to save for these rising costs is the qualified state tuition savings plan. These plans aide those families trying save for college by using the power of compounded interest. For those families who use a state tuition savings plan to save, compounded interest can be a blessing. For those who must borrow to afford tuition, compounded interest can be a heavy burden.

My home state of Kentucky has been at the forefront of those states offering such plans, and in 1994 I introduced the first legislation to make savings from qualified state tuition savings plans tax free. Since that time, it has been my pleasure to work with my colleagues Senators SESSIONS and GRAHAM to enact several measures to facilitate the use of these savings tools with the eventual goal of making qualified state tuition savings plans tax-free. Earlier this year, I once again introduced legislation, the Setting Aside for a Valuable Education, SAVE, Act to do just that. I am honored at the tremendous support for this provision from the members of the Finance Committee and I thank them for again including it in their bill. I also want to express my

profound gratitude to the House and Senate conferees for including this important provision in the Conference Report.

Indeed, it is fair to say that this tax bill restores tax fairness and promotes financial flexibility with respect to our most basic American institutions—education, marriage, children, and retirement. The next generation of Americans will have better access to education because of this bill. They will marry without paying a penalty. They will pay less to the Government, and therefore, will have more money to raise their families. They will be able to save more money to retire with dignity. And finally, when their parents pass away, they will not have to sell a family business to pay a death tax. These are not Democratic or Republican goals, these are American ideals.

So, you might ask, why are our opponents complaining? I don't think they are complaining about restoring tax fairness and financial flexibility to American families. No, I think their real complaint is that we did so while doing what our opponents have always claimed was impossible—lowering taxes and protecting Social Security and Medicare, and paying down the debt, and continuing to balance the budget. For years we heard that any tax cut, no matter how fair it may be, would rob Social Security, balloon the national debt, and raid domestic spending. But now we have called their bluff: we have tax fairness that is fiscally responsible. We finally are shedding some light on the real, albeit unacknowledged, complaint of our opponents—that there won't be as many spending sprees in Washington over the next 10 years.

Frankly, I wish we could do more in the way of tax relief. For fairness sake, I wish we could repeal the death tax and the marriage penalty immediately. And I wish we could push income tax rates even lower.

We have spent a lot of time arguing about what Americans want when it comes to tax relief. Well here's a novel idea—let's ask them. A Zogby poll found that 8 out of 10 Americans think the maximum tax rate should be less than 30 percent. Fox News reported similar results. And Gallup found that 65 percent of Americans feel like they pay too high a federal income tax.

My office has been filled with constituents coming to complain about the death tax. As hard as it may be for some of my Democratic colleagues to believe, most of these constituents are not tycoons. No, they are small business owners, and they are fed up with the estate tax looming over their families and their businesses. If only a tiny fraction of small businesses are affected by the estate tax, as our opponents constantly claim, why are all these people calling, writing, and coming to see me? I'll tell you why. It's because they, and others who own small businesses, all pay a price for the death tax. Some may have to sell their businesses before they die to avoid the

death tax, and many of them pay a fortune in estate planning fees to avoid the death tax. For those that can't escape the tax and whose heirs may be forced to sell their businesses. Both the heirs and the communities served by these small businesses suffer tremendously. Our opponents rarely compute these collateral costs when they wave their partisan statistics.

And to those who continue to argue about reform, rather than repeal, of the death tax, I say this: it simply is not fair, as a moral, political, or philosophical matter, to tax someone for dying. Dying is not a choice, Mr. President, but passing on hard-earned assets to loved ones is a choice, and one that our Government should not penalize by making Americans visit the undertaker and the IRS on the same day.

To close, and to re-emphasize the issue of fairness, I want to crystallize the two sides of this debate. Imagine if you overpaid your mortgage bill to the bank for ten consecutive years. Because that's what we're about to do—overpay our bill to the Government for the next ten years. My guess is that everyone in this chamber would demand his or her money back from the bank. I don't think we would accept listening to the bank tell us that it had devised other plans to spend our money. Indeed, we would be absolutely outraged at the very idea that the money wouldn't be returned to us immediately.

And this is the crux of the debate: There are those, myself included, who believe that taxes paid over and above the cost of government belong to the American people—that the money should be returned to them immediately for them to spend as they choose. And then there are those who believe that taxes paid over and above the cost of Government still belong to the Government and that the Government has the right to choose whether to return it to the taxpayers or to spend it as they see fit. Well, I am proud to say that I believe that this surplus belongs to the American people, and I am glad we are going to give it back to them.

Mr. MCCAIN. Mr. President, I rise to oppose the Conference Report on the Reconciliation bill. I do so after having expressed hope that the progress we made in the Senate bill to scale back the benefits going to the top rate taxpayers to make room for more tax relief to lower income Americans would prevail in the final tax bill.

During the debate on the Senate version of the tax reconciliation bill, I had urged my colleagues that substantial tax relief to middle income Americans should be our top priority. While I regret that my amendment to cut the top rate by one percent to 38.6 percent so millions more middle class Americans would fall into the 15 percent tax bracket failed on a tie vote, Senator GRASSLEY did move in that direction in the Senate bill by insisting that the top rate should be cut to only 36 per-

cent. As a result, I reluctantly voted for the bill but pledged to vote against the Conference Report should further reductions in the top tax rate be made at the expense of the majority of Americans who are in much greater need of tax relief.

Unfortunately, the Conference Report did just that by jettisoning the commendable work both Senators GRASSLEY and BAUCUS did in crafting a Senate reconciliation bill that provided more tax relief to middle income Americans. This Conference Report lowers the top rate cut to 35 percent, at the cost of delaying, for several years, much needed tax relief for married couples unfairly penalized by our tax code.

I regret having to vote against this Conference Report. We had an opportunity to provide much more tax relief to millions of hard-working Americans. I supported a \$1.35 trillion tax cut despite my concern that a tax cut of that size would restrict our ability to fund necessary increases in defense spending. But I cannot in good conscience support a tax cut in which so many of the benefits go to the most fortunate among us, at the expense of middle class Americans who most need tax relief.

Mrs. LINCOLN. Mr. President, today we have the opportunity to demonstrate that bipartisanship is working in Washington.

We have before us what is no longer just the President's tax plan.

Just a few short weeks ago, the majority of our colleagues in the other body rubber stamped President Bush's plan that heavily tilted tax cuts to the rich while delaying most of them until after 2006. That plan would not have helped my State or many other southern States for that matter. In fact, almost 50 percent of the wage earners in Arkansas would not have received a tax cut under President Bush's original plan.

But with the input of Senate moderates, both Republican and Democrat, we have created tax cut opportunities for millions of low and middle income taxpayers almost immediately. We have stubbornly refused to give in to the argument that because people work for less than \$21,000 a year, they don't deserve a tax cut. They may not earn enough to pay income taxes but they are surely taxpayers in every sense of the word. They are hard working Americans who pay payroll taxes, sales taxes, excise taxes and just about every other form of tax other than the Federal income tax.

I am proud that the final plan before the Senate today recognizes their contribution to our economy.

I want to extend my gratitude to my colleague on the Finance Committee, Senator SNOWE from Maine. Together we have stood fast in our insistence that the child tax credit should be refundable so hard-working, low-income families would receive a tax cut. By doubling the child tax credit and making it refundable up to \$1,000, this tax

plan rewards hard work and recognizes that all Americans truly deserve a tax cut. I mean no disrespect to my male colleagues in this body, but I believe this provision might not exist in this plan had women not had a seat at the Finance Committee table.

Senate moderates have changed the President's original plan in other important ways.

The amount of income subject to the alternative minimum tax will be increased immediately. This is a critical issue which the President ignored. In fact, his original plan would have accelerated the pace at which middle income taxpayers are forced into the alternative minimum tax category. His tax cut would have actually resulted in a tax increase for some unfortunate taxpayers.

The revised tax plan will allow people to increase their contributions to IRAs and 401(k) plans, an extremely important change in an era when we have seen America's national savings rate drop to its lowest point in 40 years.

Another change expands the 15 percent tax bracket for married couples so that more of their income is subject to the lower tax.

And, while I believe that the top income tax rate of 35 percent could still be higher, I am gratified that Senate moderates forced a substantial increase from the President's original 33 percent rate.

We can thank bipartisanship in the U.S. Senate for making this plan better and one that truly accomplishes the promise of a tax cut for all Americans. The real thanks, however, goes all the way back to 1993 and to the American people. When our nation was deep in the deficit ditch, the U.S. Congress went to the people of this great nation and asked them to bare the burden of program cuts and higher taxes in order to balance the budget. We now have a balanced budget and budget surpluses and we can now responsibly lift that burden with gratitude to the citizens of this country.

I want to especially thank three of my distinguished colleagues on the Finance Committee, Senators GRASSLEY, BAUCUS and BREAUX, who have earnestly negotiated the final terms of this bill during the last days. I believe that in most important aspects, it remains true to the principles advanced by the Senate earlier this week.

MASSIVE TAX CUTS STARVE NATIONAL NEEDS

Mr. BYRD. Mr. President, 8 years ago, this Congress built a bridge so that future generations would be able to cross from budget deficits to budget surpluses. That bridge resulted in lower interest rates, a booming economy, and provided the nation with an opportunity to fix Social Security and Medicare and retire the national debt.

The senate today blew up that bridge, and plunged our grandchildren and ourselves into the deficit ravine below.

I have spoken many times in recent months about my concerns regarding

the size of this tax cut. The events of recent days do not change these concerns, as the fundamental dynamics of the fiscal year 2002 budget and appropriations process remain the same.

While I would favor a much smaller tax cut, the fiscal year 2002 budget resolution that was put into place in April, and this \$1.35 trillion tax cut package that was passed today, will make it impossible for this Congress to come up with the appropriations necessary to fully address our Nation's priorities.

I fear that this tax cut will return us eventually to annual deficits and impede our efforts to retire the national debt.

I fear that this tax cut will consume vital resources that could otherwise be used to ensure the long-term solvency of Social Security and Medicare and provide for a prescription drug benefit.

I fear that this tax cut will put this Congress in a position where it will be unable to adequately finance our nation's fiscal and human infrastructure needs. For all of the promises being made as the senate debates the education reform bill, the Congress will not have the funds it needs to appropriately address these necessary reforms.

The administration has tried to assuage these fears by promising the best of all worlds: massive tax cuts that will maintain budget surpluses without draining resources away from infrastructure investment and retirement programs.

Abraham Lincoln said in his 1862 Message to Congress that "we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves."

History will hold us accountable for what we did here today in passing this monstrous tax cut. This tax cut, which mainly will benefit the wealthy, is based on pie-in-the-sky projected surpluses which probably will not materialize. History will not forget that the national needs of today and of future generations have been sacrificed for the sake of carrying out a political promise made in the heat of a political campaign last year.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. Kennedy, is next on the list.

Mr. BAUCUS. Mr. President, I do not see any Senators seeking time. I will have to, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma, Mr. Inhofe.

Mr. INHOFE. Mr. President, I seek recognition.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada.

Mr. REID. What is the request?

Mr. INHOFE. I was going to request a few minutes, instead of going into a quorum call.

Mr. REID. We have a unanimous consent agreement. I think it would be best for everyone if we could move forward under the time agreement. Senator CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I support a significant tax cut for all Americans. I proposed and voted for a \$900 billion tax cut. I think that is a level we can afford, one that will accommodate protecting the Social Security and Medicare trust funds, one that will permit us to set aside money to strengthen Social Security for the future, one that will allow us to reserve resources for important domestic priorities.

I cannot support this conference report because it does not permit us to protect Social Security and Medicare. It threatens to put us back into deficit. It threatens to put us back into building debt after a decade of getting our fiscal house in order.

This morning's Washington Post labels this conference report for what it is, "Tax Fraud." It says:

The House-Senate tax cut conferees came up with a way, yesterday, to stuff even more cuts into the bill without appearing to break the cost ceiling that Congress virtuously imposed on itself earlier in the year.

They went on to say:

Without apparent embarrassment, they adopted the mother of all accounting gimmicks. To keep the supposed 10-year cost of the bill at \$1.35 trillion, they will pretend that major provisions expire after nine years.

What they have done is alter the calendar. In a bill that is to cover 10 years, they just took off the last year. What is the effect of that? The Washington Post says:

This is a permanent tax cut masquerading as temporary. But the masquerade is all that matters. The accounting conventions allow the conferees to claim that they've done what they said they would. Once again what they've really done is mortgage the long-term future for short-term political gain.

They go on to say:

When the gimmicks are removed from the bill, the true cost is three times what the sponsors pretend—perhaps \$4 trillion over [the second] 10 years.

Instead of a \$1.35 trillion tax cut, which is what was agreed to just weeks ago, the true cost of this bill over the period of the budget is \$1.7 trillion.

Those who have said they somehow negotiated a reduction from what the President was seeking, to be more fiscally responsible, have come back with a conference report that does not do it. It does not reduce the size of the President's proposal because they take the 10 years, and put it into 9. If you make an honest assessment of the full 10-year cost, you are at \$1.7 trillion.

The accounting gimmicks do not end there. As the Washington Post indicated, this bill is massively backloaded. It is advertised, in the first 10 years, as costing \$1.35 trillion. But in the next 10 years it explodes in cost because they have backloaded provision after provision after provision. The result is that the cost absolutely explodes right at the time the baby boomers start to retire. They are digging a deep hole for the United States.

The New York Times labeled it "The \$4 Trillion Tax Cut." They said:

The tax cut's \$1.35 trillion price tag is a deception. The figure was calculated with an array of artificial devices that disguise the true cost. Some of the tax cuts to be enacted abruptly expire before the 11-year period is up. . . .

This was written before the last gimmick was inserted, the gimmick of just taking an entire year out.

Remember that Republicans, a couple years ago, tried to put 13 months into a 12-month year as a gimmick to disguise the effect of their budget proposals. This time they have taken an entire year off the calendar.

The New York Times goes on to say:

Other provisions are phased in slowly, with most of them not fully enacted until 2009, 2010 and 2011. This means that although the tax cut technically costs \$1.35 trillion in the first decade, its cost in the second decade—when the baby boomers will all be retired—is more than \$4 trillion. The tax cut cannot be paid for except by raiding the Social Security and Medicare trust funds. It is a scheme that seems deliberately aimed at wrecking the basic American retirement programs, perhaps to force their dismantling or privatization.

I think the New York Times and the Washington Post have it right. We are in a period of surplus now. But we all know that in the next decade we move to massive deficits. That is when this tax cut, because of the way it has been designed, absolutely explodes: from \$1.35 trillion, it balloons to \$4 trillion in cost over the second 10 years.

When one examines the real budget—the defense expenditures the President is asking for, the alternative minimum tax that must be fixed, the education expenditures the Senate is in the midst of approving now—as we consider the education bill, the emergencies, and just the average emergencies we have experienced over the last 10 years, fast forward them to the next 10 years: We are not only going to be raiding Medicare, we are going to be raiding the Social Security trust fund as well.

We estimate that this bill, when combined with the real budget reflecting what will actually be spent over the next 10 years, will be raiding the Medicare trust fund by \$311 billion and raiding the Social Security trust fund by \$234 billion. Make no mistake, this vote has real consequences.

It is not just that it is fiscally irresponsible. In fact, this bill is a monument to fiscal irresponsibility. But in addition to that, this bill is not fair. The top 1 percent get more than twice as much of the benefit as the bottom 60 percent. In fact, the bill has been made much worse in terms of its fairness when you compare what left the Senate to what has come back in the conference committee. The top 1 percent get nearly 38 percent of the benefits. The bottom 60 percent get less than 15 percent of the benefits.

This bill cannot pass any fairness test, or any fiscal responsibility test. It does not pass the fundamental test we ought to apply to any tax bill. This

final tax bill is clearly unfair. The top 20 percent get 71 percent of the benefits. The bottom 20 percent get 1 percent. Seventy-one percent of the benefits to the top 20 percent; 1 percent to the bottom 20 percent.

We heard our colleagues say that this bill is much more fair than the Bush proposal. Well, it is a little bit more fair but not much more fair. Seventy-one percent of the benefits in this bill go to the top 20 percent. In the President's proposal, 72 percent of the benefits went to the top 20 percent.

One of the things I think is most revealing about this proposal is what happens to the various tax brackets. It is fascinating what has come back from the conference committee. Those who are the wealthiest among us get by far the biggest rate reduction—by far. Those who are in the top 1 percent, who on average earn \$1.1 million a year, they get a 4.6 percentage point reduction, which is, in overall percentage, about a 12-percent reduction in their marginal rate. They are getting 4.6 points of reduction in a 39.6-percent bracket. That is about a 12-percent reduction.

The other brackets get 3 percentage points. They roughly average between 8 and 11 percent of rate reduction. So those at the very top get the very most. And the final bracket, the 15-percent bracket, where 70 percent of the American taxpayers are, gets no rate reduction—none, zero. You talk about a bill that is weighted to the very top, the very wealthiest; this bill is a testimony for campaign finance reform.

Have we learned nothing from the past? We tried this same approach in the 1980s, and it skyrocketed the deficits and the debt, and it took us 15 years to end it.

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

Mr. CONRAD. Mr. President, I ask unanimous consent for 30 additional seconds.

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

Mr. CONRAD. Mr. President, some have said: But we are paying down the debt. Make no mistake, we are paying down the publicly held debt, but the gross debt is going up, because the debt to the trust funds is skyrocketing under this proposal.

Let me just end. This is a chart that shows what is happening to the gross Federal debt. It is \$5.6 trillion today. At the end of this period, it is going to be \$6.7 trillion. The debt is not going down, the debt is going up. This bill ought to be defeated.

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

The Senator from Connecticut.

Mr. DODD. Mr. President, I commend our colleague from North Dakota for his very thoughtful presentation. He has laid out the arguments against this tax bill rather well.

Mr. President, we all are familiar with the famous expression of George Santayana which says that those who

fail to remember the mistakes of history are destined to repeat them. I regret that we are about to do that today with the vote on this tax bill.

There are a handful of us here today who were on this very floor in this Chamber 20 years ago when a similar, although smaller, tax cut was being proposed. No one doubts today the damage that proposal had on our economy over the ensuing years. Its author, in fact, the head of the Office of Management and Budget, has written extensively about the huge mistakes that Congress made in the early 1980s in crafting a tax proposal that was way out of balance, and had no sense of proportionality in terms of the economic needs of the country.

It took us more than a decade to recover from that tax cut. Luckily, we began doing so in the early 1990s and, ultimately, we reached the point we are at today where we are enjoying budget surpluses.

I am sure my colleagues are familiar with the mythological figure Sisyphus, the King of Corinth, who was condemned to roll a heavy stone up a hill only to have it roll down again as it neared the top. This legislation is much like Sisyphus's dilemma. Just as we start to produce surpluses, to reduce that \$220 billion a year in interest payments on our national debt that don't build a new school, that don't make anyone healthier, and don't contribute to the environment, just as that rock gets up to the top of the hill, we are about to let it fall back upon us by adopting a proposal that sends us right back in the wrong direction.

I am for a tax cut, and I believe we have plenty of room for one. But a tax cut of this size that eats up \$1.35 trillion of the surplus in the coming years is the height of irresponsibility, especially since we don't have any real clear idea of how this Nation's economy will look 3, 4, 5, let alone 10 years from now.

I regret deeply we are limited to this short amount of time to debate a proposal of this importance and significance in light of what our country experienced as a result of a similar tax cut. I hate to say this to my colleagues—I said it in 1981; I will repeat it today, 20 years later—we are about to make the same mistake again. The difference is, we will not have the time to correct it as we did with the mistake made 20 years ago. At the very hour that millions of Americans will look to us for Social Security and Medicare, this proposal is going to create a train wreck with those programs.

I urge, in the waning moments of this debate, that those who may be wavering to please think again, not about the Democrats or Republicans, liberals or conservatives. This is an excessive tax cut and one that we cannot afford. I urge our colleagues to reject this proposal. Go back to the drawing board. It is only May. We have plenty of time to do this in a far more thoughtful, prudent, and balanced way.

For those reasons, I urge rejection of this conference report and urge our colleagues, whom I know have worked very hard on the Finance Committee, the Ways and Means Committee, to go back and try again to see if they can't come up with a more balanced approach that treats all taxpayers fairly and leaves room for the needy investments that America must make if it is going to be the great power of the 21st century that it has been in the 20th.

With that, I yield the floor to my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is the final vote on a tax cut which is far larger than the country can afford. It has been pushed through Congress by the Republican leadership in unprecedented haste without adequate debate. They have sought at every turn to avoid a serious discussion about national priorities. They pretend that we can have it all—that this massive tax cut will not affect our ability to adequately fund our education and health care needs, to reduce the debt, and to financially strengthen Medicare and Social Security for future generations. This view is a fantasy. The reality is that this tax cut will have a direct and substantial effect on our ability to fulfill our responsibilities in each of these areas.

Let's focus on one of these priorities—education. The budget resolution on which this \$1.35 trillion tax bill is based also eliminates \$308 billion of funding for education which had the support of a majority of Senators. We recognized that those funds are essential to providing a quality education for every child. Yet the enormous size of this tax cut is incompatible with real education reform. Sadly, Republican priorities place the needs of the wealthiest taxpayers for new tax breaks above the needs of America's school children. Democrats support a substantial tax cut—one that would cost nearly a trillion dollars over the next 10 years and one that would give working families a fair share of the tax benefits. Under Democratic plans, the vast majority of American families would receive the same, or even more, tax relief than the Republicans provide, but at a fraction of this bill's cost. That is possible because the Republican bill gives such a huge windfall to the rich. Four hundred and fifty billion dollars will go to the wealthiest 1 percent of taxpayers. This tax cut reported from the conference committee is clearly excessive. It is neither fair nor affordable.

The conference report gives even larger tax breaks to the rich than the Senate tax bill did. It reduces the rate of the top income tax bracket by an additional percent, but still fails to provide any reduction in the 15 percent tax rate that nearly three quarters of all taxpayers pay. The extra dollars consumed by reducing the top income

tax bracket come from budget gimmicks that make the bill even more fiscally irresponsible in the long run.

Over one of every \$3 of tax breaks in this conference report will go the wealthiest 1 percent of taxpayers. Once the tax breaks are fully implemented, the richest 1 percent will receive an average tax cut of over \$37,000 each year—more than the pay most families take home in an entire year. The \$37,000 a year that this bill provides to the wealthiest 1 percent could pay the salary of a new teacher in most school districts. But now there won't be funds for new teachers. The Republicans decided that wealthy taxpayers need the money more.

Education is far and away the most important concern of Americans, so I offered a number of amendments to protect education from the adverse effects of the most extravagant parts of the tax cut. Again and again Republicans chose tax breaks aimed exclusively at the wealthiest 1 percent of Americans, people with average incomes of \$1.1 million, over full funding of elementary and secondary education for disadvantaged children, over full funding for the Individuals with Disabilities Education Act, over teacher quality improvements for all students, over increased access to safe after-school activities, over bilingual education, over Pell grants, over HOPE Scholarship Tax Credits, and over Head Start. The President's rhetoric may say "leave no child behind," but this tax bill leaves a whole generation of children behind. It leaves them behind so that the very wealthiest taxpayers can get a half-trillion dollars in new tax breaks. If we do not have adequate resources to provide all our children with a quality education, then we certainly don't have the excess revenue that justifies new tax breaks for millionaires. Nationwide, there are 129 million income tax returns filed each year, but only 900,000 of these report income in the top marginal income tax bracket, which is presently 39.6 percent. These are the wealthiest men and women in America, and tax cuts that exclusively benefit them should not displace the education funding that the Senate has already agreed is necessary.

Only by the use of smoke and mirrors and budget gimmicks has this tax bill been made to comply with the mandate of the budget resolution to report a tax bill costing \$1.35 trillion over eleven years. But the real cost are even higher. The real costs of this bill explode in the out years. Most disturbing of all is the extreme use of back-loading to conceal the enormous cost of these tax cuts when they completely take effect. The rate reduction is not fully implemented until the year 2006. Marriage penalty tax relief does not even begin until the year 2005. The amount of the child credit does not reach the full \$1,000 until the year 2010. The estate tax is not repealed until that year as well, so that almost none of the cost of the repeal shows up until the year 2011.

These tactics are the height of fiscal irresponsibility. The excessive cost of the bill in the first decade is troubling enough. But that cost will more than triple in the following ten years. A \$1.35 trillion tax cut in the first 10 years will mushroom to substantially more than \$4 trillion in the next 10 years—precisely when the nation will confront unprecedented new costs in Medicare and Social Security from the retirement of the baby boom generation. Funds urgently needed to strengthen these basic programs are being consumed by reckless tax cuts. The Republican leadership could easily have accepted the recent Senate vote on the Harkin budget amendment reducing the size of the tax cut by 20 percent and investing the resulting \$250 billion in education over the next 10 years. A responsible proposal like that would enable vital improvements to be made in education throughout America, while still leaving \$1 trillion for tax cuts that both Democrats and Republicans support. Unfortunately, they refused.

Across America, 12 million children live in poverty—but we currently provide the full range of title I Federal education services to only one in three of these children. Four of every 10 children in poverty are taught by teachers who lack an undergraduate major or minor degree in their primary field. Gym teachers are teaching math. English teachers are teaching physics. Nearly one in five first-through-third graders are attempting to learn in overcrowded classes of 25 or more students. In these cases, some students inevitably lose in the competition for essential teacher time.

In addition, over 7 million latchkey children are left alone to fend for themselves after school each day, without constructive after-school activities to keep them off the streets, out of gangs, and away from drugs and other dangerous behavior. Even though Head Start ranks as the public's favorite government program, inadequate funding continues to deny Head Start to half of all eligible children.

Students with disabilities suffer from the same Federal neglect. The Federal Government has long promised to fund 40 percent of disability education. Yet it still only funds 17 percent. For years, parents and States have called on the Federal Government to live up to its commitment to disabled students. Almost 14 million children attend schools in inadequate facilities—schools that are overcrowded with classes held in hallways and trailers and schools that are crumbling and unsafe. Seven million children attend schools with severe safety code violations.

While money may not guarantee quality education, it is impossible to provide quality education in today's schools without substantial new investments. "Reform" without resources will have no real impact on what takes place in America's classrooms.

The massive tax cut contained in this bill will shortchange an entire generation of children. Nowhere are Republicans' misplaced priorities clearer. After all the talk about the importance of education to children's lives and the Nation's future—after all the talk about unmet needs in the Nation's schools—after all the Senate votes to increase investments to meet the most basic education needs, the Republican tax cut crowds out new investments in education. It tells millions of children who attend inadequate schools that they don't count. If the Federal Government lacks the resources to provide both, shouldn't the education of our children take precedence over new tax cuts for the wealthiest taxpayers? Who in this Chamber would openly declare that the wants of 900,000 millionaires are more important than the needs of millions of school children? That, in essence, is what we are voting on today.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GRASSLEY. Mr. President, I thought we were going to let the Senator from Minnesota speak.

Mr. REID. Would the Senator from Massachusetts yield his time to the Senator from Minnesota?

Mr. KENNEDY. I yield my remaining time to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes 19 seconds remaining.

Mr. KENNEDY. I yield that to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator yields his 2 minutes 19 seconds to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I rise to strongly oppose this conference report. As I have said consistently, I support tax relief, and have voted for more modest alternative tax cut packages. But I believe in tax cuts that reward work, not wealth. That are distributed fairly across the economic spectrum, with a special emphasis on relief for those most in need, who bear an unjust proportion of the tax burden, including payroll taxes, already—working families. The original Senate bill did not meet this test. Sadly, when confronted by the priorities of the most extreme elements of the House Republicans, the conference committee has made a bad bill even worse—more grossly unfair, with more of the benefits tilted toward the very wealthiest Americans.

The worst possible outcome for this decade would be a return to a 1980s mentality of huge tax breaks for the rich, increases in a bloated military budget, and neglect of our social infrastructure, including key insurance programs like Social Security and Medicare. Yet that appears to be where the President and the Congressional majority would have us go. We are making a terrible mistake if we pass this conference report today.

I can't say it more plainly than that. We are making a grave mistake. If the economy goes south, this conference

report will almost certainly leave us without sufficient funds to make key reforms in Medicare like providing for a new prescription drug benefit, or for reforming Social Security in a way that will secure its future for generations to come. The costs of these tax cuts, so obviously backloaded, will explode just at the time when a huge generation of baby boomers prepare to retire in 10 years. And they will be left holding the bag, along with the generations that come after.

The American people should not have any illusions about what we are about to do. The economy and hard choices made in the past have endowed us with budget surpluses. In a time of growing economic uncertainty, it's not yet clear how large they'll be; private economists, the Congressional Budget Office, and even White House (OMB) estimators have all readily acknowledged the uncertainty of their projections. But it's clear there is some surplus, and Congress has to decide how to spend it.

If we had crafted a fairer, more modest tax bill, the benefits of which would have been distributed according to some principles of fairness, I would have supported it. But this conference report is nothing but a Robin Hood in reverse raid on the federal treasury. When fixes to the Alternate Minimum Tax and interest costs are added in, the tax cut will cost over \$2 trillion over the next ten years. The cost will likely top \$4 trillion over the following ten years (2012–2022). A vote for this bill is a vote to squander the opportunity to address our nation's most pressing problems. We could lift up all children and restore the shining promise of equal opportunity by investing in the education and health care of our kids, over 20 percent of whom still live in poverty in this country. We could move to restore the dignity of older Americans by providing affordable prescription drugs, long-term care, and securing the Social Security system. We could invest in responsible, long-term energy policies which protect our environment while boosting our energy capacities. Instead, we are today almost certainly deciding to ignore these priorities for years to come. We are surrendering on environmental conservation and protection. We are surrendering on investment in clean energy technologies. We are surrendering on tax relief for low and middle income Americans. And we are surrendering on decisions to invest in the health, character, skills and intellect of our kids.

But it isn't just that we are spending nearly the whole surplus for the foreseeable future in one vote. It is what we are spending it on: tax cuts for the rich, the powerful, the connected.

These tax cuts are still overwhelmingly weighted toward the wealthiest Americans: 35 percent of the benefits go to the wealthiest 1 percent of Americans. Altogether, 55 percent of the cuts go to the wealthiest 10 percent, while less than 16 percent of the cuts go to

the 60 percent of American families who earn \$44,000 or less.

Put another way, 80 percent of Americans will get 30 percent of the benefits in the bill, while 70 percent of the benefits in the bill will go to the 20 percent of Americans with the highest incomes.

There are provisions of this bill I support. There is modest tax relief in this bill that goes to those who most need it. But not nearly enough. And the price we pay for this meager relief for working families is tax cuts three times larger targeted to the richest Americans. That's not a deal that I would want to explain to the working people in my state.

Consequently, Americans who earn between \$27,000 and \$44,000 will get an average tax cut of merely \$596. But the wealthiest Americans, with an average income of over \$900,000, will see an average cut of \$44,536.

Additionally, 10 million children, 1 in 7 children, live in families that will still get no benefit from the legislation, because the parents or guardians do not earn enough to qualify for the tax cuts in the bill.

In contrast, in 2010, the plan fully repeals the estate tax. This will cost the Federal Government \$30 billion in that year alone and will cost nearly \$1 trillion over the next 10 years. Yet the vast majority of estates, and nearly all small business and farms, will already be exempted from the estate tax when the repeal goes into effect because of the other estate tax reforms in the bill. By 2010, under the bill, a couple would be able to shield \$7 million from estate taxes. Full repeal on top of those high exemptions will only benefit the richest of the rich.

In Minnesota, in 1999 only 636 estates paid any estate tax. Only 636 estates out of the nearly 5 million people who lived in my State. Only 36 of those estates were valued at over \$5 million!

Now let me give credit where credit is due. At the strong insistence of some of us on the Democratic side, the child credit expansion that is included in the bill is a significant improvement over the President's proposal. It would be refundable to families earning more than \$10,000 per year, phasing in at 15 percent of earnings above that amount. So, for example, a family earning \$11,000 a year would get \$150 and a family earning \$16,000 would get \$900 as a refund from the IRS. If this provision becomes law, half a million children will be lifted out of poverty. This proposal offers some modest relief for certain low and moderate income families with kids, and the Committee should be applauded for at least including a partially refundable child credit in this bill.

However, the partial refundability provision in this bill would still leave 10 million very poor children behind. That includes every child of a parent who works full-time at the minimum wage. Children left behind with the partial-refundability proposal include: 2 million children with a disabled par-

ent; more than 300,000 children who live with a grandparent or other family members who are not working because they are retired; more than 6 million children whose parents work during all or part of the year; and 4 million children whose parents together worked at least 26 weeks—or half the year.

Like the Reagan tax cuts of the early 1980s, this bill is too big, and fiscally irresponsible. It is grossly unfair. Its benefits go mostly to the wealthiest Americans. It will crowd out critical investments in education, health care, protecting the environment, energy conservation and renewables, and other key priorities for years to come. It will severely limit our ability to protect Social Security and Medicare, just as the baby boomer generation is preparing to retire.

In conclusion, Mr. President, as we get ready to vote, I thank my colleagues for all their cooperation on this vote and say, with a twinkle in my eye, to my good friends on the other side, that in some ways this tax cut has finally made me a fiscal conservative because, as I look at what is going to happen in the out years, I see a huge erosion of the revenue base.

I am so worried that at the very time people reach the age where they qualify for Social Security and Medicare, we are not going to have the resources. This is a mistake. It is a profound mistake, though I understand the good intentions and goodwill of, for example, the Senator from Iowa, Mr. GRASSLEY.

On another point: Whatever happened to the President's goal of leave no child behind? Whatever happened? The Senator from Massachusetts is absolutely right.

The huge victory here—if you want to call it that—for those who believe there is no positive role for Government to make in the lives of people is that there will not be the revenue. So for those children who come from disadvantaged backgrounds, we are not going to have the funding for title I. We won't be able to make the commitment to make sure the children are kindergarten-ready or that higher education will be affordable. We won't be able to renew our national vow of equal opportunity for every child.

I believe these tax cuts are directly antithetical to what our country is about, which is equal opportunity for every child. That is why I will vote no.

The PRESIDING OFFICER. The Senator from Iowa, Mr. GRASSLEY, is recognized.

Mr. GRASSLEY. Mr. President, do I have 5 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. Mr. President, I yield the first 2 of my 5 minutes to the Senator from Texas, Mr. GRAMM.

The PRESIDING OFFICER. The Senator from Texas, Mr. GRAMM, is recognized.

Mr. GRAMM. Mr. President, I had the great good fortune of being here 20 years ago and being involved in the

Reagan tax cuts—tax cuts that let working people keep more of what they earned and ignited the golden economic age in which we live.

One of the advantages of living a long time and serving in public office a long time is that you get an opportunity for a day such as this when, 20 years later, we are cutting taxes again. This is a great day for the people who do the work and pay the taxes and pull the wagon in America and who often get forgotten by their Government.

It is obvious in listening to our colleagues that it is a sad day for those who desperately wanted to spend this money here in Washington, DC, but I hope my colleagues find some solace in the fact that working men and women sitting around their kitchen tables trying to make ends meet will use this money far more effectively to promote their interests and America's interests than we would use it spending it here in Washington, DC.

I thank our distinguished chairman, Senator GRASSLEY, for his leadership in making this day possible. I reserve the remainder of the time for Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, we have now come to the end of our many days of deliberation over the tax cut bill. This will probably be my final bill during my brief tenure as chairman of the Finance Committee, and so, I want to make a few closing remarks about the bill before us this morning.

This bill represents an enormous bipartisan effort. This bill has had bipartisan participation from its very creation, all the way through to its completion in conference with the House. The bill before us today was drafted in concert with Senators BAUCUS, BREAUX, and many others on the Finance Committee from both sides of the aisle—all of whom I consulted with personally. I thank you all for your insights and guidance in designing this bill.

I would also like to thank Chairman BILL THOMAS of the House Ways and Means Committee. His responsiveness to the difficulties we face here in the Senate was refreshing and very constructive. But most of all, we should thank President Bush. It was his leadership and vision that led us to this historic moment—as we prepare to enact the largest individual income tax cut in 20 years.

We took as a starting point President Bush's efforts to provide income tax relief to all Americans. This legislation includes the four main elements of President Bush's goals for providing tax relief to working families: the bill before us today provides an across the board tax cut and creates the new low 10 percent rate requested by the President; the bill reforms and repeals the death tax, which the President wanted; the bill provides marriage penalty relief, which the President and Congress have sought for a very long time; the bill also includes a \$1,000 refundable child credit, which was specifically re-

quested by the President. Sixteen million more children will be helped by our bill. In addition, the bill contains an extensive education incentives package, pension and IRA enhancements, and AMT relief.

This tax bill is a victory for Republicans. It is a victory for Democrats. It's a victory for the President, but most importantly, it is a victory for the taxpayers of the United States.

Now for some of the details. First, the conference bill reduces marginal rates across-the-board and applies the President's 10 percent rate retroactively to January 1st of this year. The Treasury Department will issue rebate checks to American taxpayers to remit any excess taxes that have been withheld on their 10 percent earnings earlier this year. The 28 percent, 31 percent and 36 percent rates will be reduced by 3 points over the next several years.

The first one point rate reduction will take effect on July 1—just a month from now.

The rebate checks and immediate rate reductions will provide a stimulus that our sluggish economy very much needs. In addition, the 39.6 percent top marginal rate will drop to 35 percent. While we don't go as far as the President in reducing the top rates—and I would add we didn't go as far as I would like—we also address the hidden marginal rate increases caused by current law that denies deductions for personal exemptions and itemized deductions.

Those laws will be repealed, thus eliminating these hidden marginal rate increases and removing another complexity from the Code. We provide marriage penalty relief for married families—for families where both spouses work and where only one spouse works.

The President's desire to expand the child credit to \$1000 is met in this bill. And in response to the concerns of Senators SNOWE, LINCOLN, BREAUX, JEFFORDS, and KERRY the child credit was expanded to help millions of children whose working parents do not pay income tax.

And lastly, we heard America's voices and have reformed and repealed the death tax. Starting January 1 of next year, the unified credit is increased to \$1 million and the top rate is cut to 50 percent. The burden of the death tax is reduced and will be eliminated—as called for by President Bush. This effort is due to the work of many Senators but I would particularly note the efforts of Senator KYL and Senator LINCOLN.

In addition, the bill contains many provisions targeted for education. Elements include expansion of prepaid tuition programs to help families pay for college—long advocated by Senators COLLINS, MCCONNELL, and SESSIONS. In addition, we provide college tuition deduction thanks to Senators TORRICELLI, SNOWE, and JEFFORDS, as well as an expansion of the education savings accounts—in honor of Senator

Coverdell—thanks to the work of Senator TORRICELLI and the Majority Leader. In addition to President Bush's proposals for tax relief for working families, we also included the Grassley-Baucus pension reform legislation which probably would not have made it in the bill without the longtime support of Senators HATCH and JEFFORDS.

In addition to maintaining the basic framework of the bipartisan agreement, we were able to retain some of the important amendments added to the RELIEF Act on the Senate floor. The key amendments we kept were keeping with the major focus of the bill—providing benefits for working families. First among these is that the adoption credit is extended and expanded effective 2003. I have been a long advocate on this matter, but I want to recognize the critical work of Senators LANDRIEU and CRAIG in this matter. Further, we were able to retain the goal of giving employers greater tax incentives to provide child care to their employees—long advocated by Senator KOHL.

In addition, we kept the policy advocated by Senator JEFFORDS of expanding the dependent care tax credit—which assists families facing the difficulties of providing care for children and spouses with special needs. We include Senator BINGAMAN's amendment offered in committee that allows the IRS to provide greater relief to families who are in a disaster area.

Finally, we retained the Senate amendment championed by Senator FITZGERALD that excludes from income payments made to survivors of the Holocaust. America is a society of opportunity. Over 60 percent of all families will at one time or another be in the top fifth of income in this country.

This bill will provide the American taxpayer with the greatest amount of tax relief in a generation. And they deserve it. It is wrong that in a time of surpluses we are still imposing a record tax burden on workers. With passage of this bill, struggling families will have more money to make ends meet; parents and students will be able to more easily afford the costs of a college education.

A successful business woman will be able to expand and hire more people; a father finally getting a good paycheck after years of work will be able to better provide for his aging mother; and, a farmer can pass on the family farm without his children having to sell half the land to pay estate taxes. The examples are endless of the great benefits that we realize when we give tax relief to working families. I would remind my colleagues again that the hallmark of this bill is that relief for low-income families comes first.

The marginal rate drop to 10 percent is immediate, and the effects of that reduction will be placed in taxpayer's hands this year. The child credit expansion to low-income families is immediate. Over 16 million more children will be helped by the provisions of this

bill. In addition, the numbers show that once again, our bipartisan bill makes our tax system even more progressive. That is, at the end of the day upper income families would be paying a greater share of taxes than lower income taxpayers.

I also have a message for those who claim this bill benefits the rich at the expense of the poor, and that it will jeopardize Medicare and Social Security. Those things just aren't true. This is a bipartisan bill. We'll spend at least \$3.5 trillion on Medicare in the next 10 years. That's more than 2.5 times the size of the tax cut. We wouldn't put forward bipartisan legislation that jeopardizes Medicare and Social Security. So I hope Americans will rest easy that this tax bill doesn't short-change one group of Americans at the expense of others.

My message to taxpayers is this: Substantial tax relief is on the way. The Government will ease its grip on your wallet. You deserve this. Now, the last time the Senate considered this bill, it turned the bill over and over and around and around. Some Members tried to huff and puff and blow this bill down. That didn't work. Like a house made of bricks, our bipartisan bill is standing strong. But a piece of legislation is only as good as the last vote it survives. Today, we are faced with a crucial vote. Let me say it again: This is a bipartisan bill.

I have described this legislation to remind Senators of the balanced approach that took place in crafting this bill; to highlight the fact that it reflects the views and priorities of a wide range of members on both sides of the aisle. I can assure my colleagues on the other side of the aisle that if Senator BAUCUS had not been present at the creation of this bill—it would have been a very different piece of legislation.

It is because of his efforts that there are many elements in this bill that members on the other side of the aisle can enthusiastically support. I am tired of reading in the press the constant carping of Senator BAUCUS' efforts to draft a bipartisan bill. It seems that while many are happy to talk about bipartisanship that can't stand to see bipartisanship practiced. We saw that happen the last time we brought this bill to the floor of the Senate.

I urge my colleagues to stop the petty partisanship and put the American taxpayers first. Now it is time for the Senate to send this much needed tax relief to the President for signature. America is waiting, and America is watching. Let's send them this historic tax relief package today.

Mr. President, I have 3 minutes, and I yield 1 minute to Senator HATCH.

Mr. HATCH. Mr. President, I am grateful that I was a conferee in this monumental historic event. I personally congratulate Chairman GRASSLEY and the ranking member, Senator BAUCUS. Both worked very well together. Of course, Chairman THOMAS and House

Leader ARMEY and Speaker HASTERT did a terrific job, as did JOHN BREAUX, who has worked so magnificently through the years.

Six months ago nobody thought the President would win on a \$1.35 trillion tax cut. It is amazing. He hung in there. He stood for what he believed, and I believe the American people are going to be the beneficiaries.

I want to highlight one thing. There are 16 million additional children who directly benefit from the refundable child credit contained in this compromise. This is one of the best bills for children and families I have seen in years and I just wanted to make that clear to everybody. The rate reductions and every other provision will benefit America.

This conference report is not perfect, just as no political compromise is perfect. I, like many of our colleagues, would have greatly preferred a larger tax cut of at least \$1.6 trillion. Ideally, the top marginal rate should have come down to no more than 33 percent, with corresponding reductions in all the other brackets. The alternative minimum tax still will afflict millions of Americans. And, I greatly regret that the permanent extension of the research and experimentation credit was not accommodated in the final product.

On the other hand, Mr. President, this conference report includes the necessary elements that will make it stand out as landmark legislation. It does so much for the people of Utah and for the people of America. It begins to reverse the flawed philosophy that says the government knows best how to spend the taxpayers' hard-earned money. It cuts taxes for every American who pays them. It will stimulate the economy and provide incentives to keep it strong in the future. It acknowledges the importance of families, as well as the need for providing a good education for our people. It also includes strong incentives for all Americans to increase their savings and prepare for their own retirements. It recognizes the gross unfairness of the confiscatory death tax and begins immediate relief with repeal within a decade. It makes great strides against the unfairness of the marriage tax penalty in a way that does not punish those families where one spouse chooses to stay at home. On the whole, it is a very good bill.

Although this tax cut bill is the capstone of our budget agreement, I also look at it as just the beginning. The beginning of what I hope will be more bipartisan work this Congress to make the tax code even more fair and certainly more simple. And, what I hope will be continuing cooperation between the President and the Congress.

I again want to extend my congratulations and gratitude to the chairman of the Finance Committee, Senator GRASSLEY, for his extraordinary dedication to bipartisanship and his tireless dedication to accomplishing the triumph that is represented in the conference report that lies before the Sen-

ate today. Without his perseverance and persistence in sticking to the goal at hand despite many obstacles, this victory for the American taxpayer would not have been possible.

Likewise, I thank Senator BAUCUS for the major role he played in getting us to this point today, and for his courage in the face of opposition of many in his own party. He, along with Senator BREAUX, have shown all of us what it means to rise above partisanship and pure politics for the sake of what is good for the nation. They, together with the others in the soon-to-be majority party who supported this bipartisan tax cut, have my respect, my gratitude, and my promise that I will continue to reach across the aisle to work with them to further improve our tax system in the future.

My fellow conferees deserve a lot of credit for accomplishing this difficult task. Congressman THOMAS, the new chairman of the Ways and Means Committee, demonstrated toughness, dedication, knowledge, and compassion in representing the House position. I also want to commend Speaker HASTERT and Leader ARMEY for their tireless support and contributions. On the Senate side, Senators MURKOWSKI, NICKLES, and GRAMM put in many long, difficult, and late hours in helping us find our way through the differences in the House and Senate bills to reach the compromise.

Mr. President, most of all, I want to extend my congratulations to President George W. Bush. The tax cut the Senate just passed is a testament to his vision and his willingness to carry out with single-mindedness a campaign promise that many, frankly, took lightly and considered highly unlikely if not impossible. This is what real leadership is all about, and I commend him for it.

This is a great day in the United States Congress. I am proud that I was able to be part of it.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, there will be a lot of speeches about the substance of the legislation and, obviously, I think it is a good piece of legislation or I would not have negotiated the final product. I think it is good for the economy. It is surely good for working men and women of America to have tax relief. It is surely good for fiscal discipline within our Government as we make sure that the Government must squeeze every dollar of value out of every penny that we spend.

I think leaving this money in the pockets of the taxpayers rather than sending it to Washington will help us with our fiscal discipline. Most importantly, I think the process by which this product is before us is much more significant than the product because the control of the Senate hangs in the balance—even over the next several years, it seems to me, regardless of the exact numbers.

The Senate is known for its bipartisanship to pass legislation. I hope that the work Senator BAUCUS and I have done in a bipartisan way to bring this product of tax relief to the American taxpayers and to this body for it to become law serves as an example not only for the entire Senate but also will continue the tradition of bipartisanship that we have had in our committee.

I hope that we do, in fact, look upon the Senate as being very closely divided for a long period of time, and for whoever is in control, it is very important that we continue this bipartisanship in the Senate.

I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BINGAMAN (after having voted in the negative). Mr. President, on this vote, I have a pair with the Senator from New Mexico (Mr. DOMENICI). 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.

Mr. AKAKA (after having voted in the negative). Mr. President, on this vote, I have a pair with the Senator from Wyoming (Mr. ENZI). 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.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting, the Senator from Wyoming (Mr. ENZI) and the Senator from New Mexico (Mr. DOMENICI) would each vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that the Senator from Vermont (Mr. LEAHY) is absent attending a funeral.

I also announce that the Senator from Iowa (Mr. HARKIN) is absent attending his daughter's wedding.

I further announce that if present and voting, the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 33, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—58

Allard	Frist	Murkowski
Allen	Gramm	Nelson (NE)
Baucus	Grassley	Nickles
Bennett	Gregg	Roberts
Bond	Hagel	Santorum
Breaux	Hatch	Sessions
Brownback	Helms	Shelby
Bunning	Hutchinson	Smith (NH)
Burns	Hutchison	Smith (OR)
Campbell	Inhofe	Snowe
Carnahan	Jeffords	Specter
Cleland	Johnson	Stevens
Cochran	Kohl	Thomas
Collins	Kyl	Thompson
Craig	Landriau	Thurmond
Crapo	Lincoln	Torricelli
DeWine	Lott	Voinovich
Ensign	Lugar	Warner
Feinstein	McConnell	
Fitzgerald	Miller	

NAYS—33

Bayh	Dodd	McCain
Biden	Dorgan	Mikulski
Byrd	Durbin	Nelson (FL)
Cantwell	Edwards	Reed
Carper	Feingold	Reid
Chafee	Graham	Rockefeller
Clinton	Hollings	Sarbanes
Conrad	Inouye	Schumer
Corzine	Kennedy	Stabenow
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Akaka,	Bingaman,
against	against

NOT VOTING—7

Boxer	Harkin	Murray
Domenici	Kerry	
Enzi	Leahy	

The conference report was agreed to. Mr. ENSIGN. I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

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

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

LETTER OF DECISION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following letter, which I received from Senator JEFFORDS this week, be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, May 24, 2001.

Hon. THOMAS DASCHLE,
Democratic Leader,
Capitol, Washington, DC.

DEAR SENATOR DASCHLE: I am writing to you, Vice President Cheney and Senator Lott, to inform you of my decision to become an Independent and caucus with the Senate's Democrats for organizational purposes once the conference report to accompany H.R. 1836 is transmitted to President George Bush for his signature.

My change in affiliation is to become effective at the close of business on either the

first day of session following the upcoming Memorial Day recess, or the close of business on the date of such transmittal, whichever occurs later. I hope it will assist the Senate if the recess is available to the Leaders to discuss and decide the numerous transition issues the Senate will face.

Sincerely,

JAMES M. JEFFORDS,
U.S. Senator.

HONORING THE BUFFALO SOLDIERS

Mr. DEWINE. Mr. President, I rise today to submit a Resolution to honor a group of Americans who have dedicated their lives to serving and protecting our Nation.

As we approach Memorial Day, we should take time to remember the sacrifices and achievements of our armed forces. In doing so, I would like to recognize the heroic African Americans who served in the Ninth and Tenth Horse Cavalry Units of the U.S. Army. These units first were established at the end of the Civil War and eventually were ordered to the Western Frontier, where they earned the name "Buffalo Soldiers." These men were instrumental in the realization of our Manifest Destiny by guarding settler communities and securing new western land. These brave American soldiers continued to serve our country in the Spanish-American War as part of Theodore Roosevelt's Rough Riders and again in during World War II, both in Europe and here at home as our domestic defense in California against a possible Japanese invasion.

The Buffalo Soldiers were truly brave Americans to which our country owes a great debt. I would like to draw special attention to a soldier in their ranks—Colonel Charles Denton Young. Colonel Young was a lifelong resident of my home state of Ohio and contributed greatly to his country. He graduated from West Point in 1884 as only the third African American to ever receive a diploma from the Academy. Owing to his strength, perseverance, mental and physical toughness, and a natural ability to lead, Young eventually was promoted to the rank of Colonel, which was the highest rank ever achieved by an African American at that time.

Leading his men on the battle field, however, was not the only way Colonel Young had an influence on the people around him. He took an active role in his community as an educator and mentor to students at Wilberforce University in Ohio. Colonel Young was a person whom others wished to emulate, and continue to emulate today, as Secretary of State Colin Powell has cited Colonel Young as one of his earliest role models. I believe I can speak for all Ohioans when I say that we are extremely proud of Colonel Young and his contributions to our nation, and I believe that America has great cause to share in this pride.

I ask that when celebrating the great accomplishments of our armed forces this Memorial Day, we do not forget

our Buffalo Soldiers. I would like to urge all Americans to honor the Buffalo Soldiers for the strength, valor, dedication, and courage they exhibited during their service. The sacrifices they made allow us to live as we do today—in a proud and free United States of America.

RECOGNITION OF JOHN SAUER—
OLDER AMERICANS MONTH

Mr. GRASSLEY. Mr. President, since 1963, the month of May has helped the nation focus on the contributions and achievements of America's older citizens. Fewer people over the age of 65 require nursing home care and more are living on their own, with little or no outside help. Older Americans increasingly redefine modern maturity, re-shape cultural boundaries and dispel age-related stereotypes associated with getting older. They are leaders in our families, in our workplaces and in our communities.

One of these leaders is a 76-year-old man from Mechanicsville, IA. John Sauer understands the value of helping others. Through his initiative, compassion and commitment, he has touched the lives of many in his community.

Mr. Sauer began volunteering with the local seniors group in 1992. At that time, he responded to a request from a friend to help out with the group for a short time. Today, not only does he continue to volunteer in Cedar County, but he also serves seniors in six other counties as chairman of the advisory council of the Heritage Area Agency on Aging.

Although Mr. Sauer has always been active in the community service, he took on many of his current activities after he retired from farming in 1994. At that time, Mr. Sauer became increasingly involved with county senior citizens groups. He joined the transportation board of the Cedar County Senior Citizens task force and began providing transportation for older people in his area who were unable to drive. Two or three times a week, Mr. Sauer drives seniors to and from doctor and hospital visits in Cedar Rapids and Iowa City, both 25 miles away from Mechanicsville. The service Mr. Sauer provides is invaluable to those people who otherwise would have no way to make those important visits.

Mr. Sauer is also committed to serving the visually impaired. For 37 years, Mr. Sauer has been an active member of Lions Club International, a service organization recognized for their help to the blind and visually impaired. In 1994, Mr. Sauer became an Iowa district director for the organization. In that position, he traveled around the United States and Canada representing the state at various meetings and events for the service club.

In addition, Mr. Sauer has volunteered in the Ophthalmology Department at the University of Iowa Hospitals for the past 4 years. He greets people from across the Midwest who come to the

hospital for care and guides them to their appointments. Mr. Sauer says he enjoys volunteering at the hospital because he likes meeting new people from various locations.

Mr. Sauer also enjoys learning new things. Three years ago, he became a member of the Eastern Iowa Mutual Insurance Board. Although his background was not in insurance, Mr. Sauer accepted the challenge of serving on the board and has enjoyed learning about the industry. He's also been active in the local schools, serving as a member of the school board and most recently on the school foundation. In addition, Mr. Sauer is an active member in his church and in the American Legion.

A devoted family man, Mr. Sauer has been married to his wife Kathleen for 51 years. The couple has three children and five grandchildren.

I want to thank Mr. Sauer for his contributions to the people of Cedar County. His initiative and compassionate concern for others is an example to us all that we should always be willing to contribute, no matter what our age.

ADDITIONAL STATEMENTS

IN HONOR OF DON LAUER

• Mr. JOHNSON. Mr. President, I rise today with pride to remark on the extraordinary public service career of Dr. Donald Lauer. For over twenty-five years, Dr. Lauer has played a key leadership role at the Earth Research Observation Systems, EROS, Data Center near Sioux Falls, South Dakota, and for over a decade has served as Chief at EROS.

Under the jurisdiction of the United States Geological Survey, the EROS Data Center holds one of the world's largest collections of images of the earth's land surface. These incredibly valuable images are managed and distributed by EROS personnel to scientists, policy makers and educators worldwide. The data is used to study a wide range of natural hazards, global environmental change and economic and conservation issues.

EROS is also now home to the United Nations Environmental Programme's, UNEP, Division of Environmental Information, Assessment and Early Warning office in North America. South Dakotans are proud to host this important United Nations office within our state.

The great success of EROS is due in significant portion to the outstanding leadership provided over the years by Dr. Lauer. His scientific, and management skills have proven invaluable as the role of EROS has expanded and become ever more complex. He has played a key role in facilitating a recent multimillion dollar transfer of NASA earth images to the UNEP, and their placement at EROS.

Beyond all this, Dr. Lauer has also provided important leadership for the

Sioux Falls community. He currently serves on the Board of Directors for Sioux Valley Hospital, and has had a career long interest in the health and education of his fellow citizens.

I am pleased that Dr. Lauer will remain with the United States Geological Survey as an Emeritus Scientist, and that he plans to continue his residence in Sioux Falls. His vision and commitment to science will continue to well serve the people of the United States and of the world.

Dr. Lauer's life and career serve as models for public servants throughout our nation. I take this opportunity to thank him for all he has accomplished at EROS, and wish him well on all his future challenges and opportunities.●

MESSAGES FROM THE HOUSE

At 10:17 a.m., a message from the House of Representatives, delivered by Mr. Rota, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1836) entitled "An Act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002."

At 10:36 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 146. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to section 1092(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), the Minority leader appoints the following individual to the Commission on the Future of the United States Aerospace Industry: R. Thomas Buffenbarger of Brookeville, Maryland.

NOMINATIONS DISCHARGED

The following nomination was discharged from the Committee on Health, Education, Labor, and Pensions pursuant to the order of May 26, 2001:

NATIONAL LABOR RELATIONS BOARD

Arthur F. Rosenfeld, of Virginia, to be General Counsel of the National Labor Relations Board for a term of four years.

The following nominations were discharged from the Committee on Finance pursuant to the order of May 26, 2001:

DEPARTMENT OF STATE

Peter F. Allgeier, of Virginia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

EXECUTIVE OFFICE OF THE PRESIDENT

Linnet F. Delly, of California, to be a Deputy United States Trade Representative, with the rank of Ambassador.

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. DURBIN (for himself, Mr. ROCKEFELLER, Mr. BYRD, Mr. HOLLINGS, Mr. SPECTER, and Ms. MIKULSKI):

S. 979. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Finance.

By Mr. FITZGERALD (for himself and Mr. DORGAN):

S. 980. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER:

S. 981. A bill to provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 530

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 530, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind.

S. 749

At the request of Mr. FITZGERALD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 749, a bill to provide that no Federal income tax shall be imposed on amounts received by victims of the Nazi regime or their heirs or estates, and for other purposes.

S. 756

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 981. A bill to provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, we all know the cost of gasoline has been increasing very dramatically and the people of my State, a very rural State, have to travel very long distances. There is little public transportation in rural counties, and as a result they have to use their cars and have to, therefore, buy a lot of gas.

Today I am introducing legislation to give temporary help to those who need

it most, particularly low-income families, workers, seniors, and, frankly, students who have to drive long distances each day to get to their work, their school, and to critical health care.

In West Virginia prices of gas have gone up, as they have everywhere. In the North and South they have gone up by a great deal. People suffer because of that. I know high prices affect everyone when it comes to gas, but they do hit lower income people in the most painful way. When you are already struggling to pay the cost of housing and the cost of education or whatever it might be, the cost of gas aggregated over a period of time becomes a very painful item. As I indicated, if you are in a rural area, your problem is much worse because there is not public transportation. This is a very crucial fact. It means you have to use your automobile. It means you have to buy the gas to put in the automobile.

I support the development of long-term energy policies and hope we will do that in a wise way. But for those who pay their living expenses day to day, that will not come soon enough. Therefore, my bill is a simple one. It is a temporary approach to what I believe is already, in fact, something of an emergency.

The bill is modeled on the successful Low-Income Home Energy Assistance Program, LIHEAP, which helps working families and seniors cope with home heating costs. The proposal which I call LIGAP—not out of my poetic sense but simply because it stands for Low-Income Gasoline Assistance Program—would give grants to States for an emergency assistance program for people who must drive 30 miles a day or an average of 150 miles a week for work, for education related to work, or scheduled routine health care.

This new program will have similar income eligibility guidelines as the LIHEAP program. Therefore, it will not be difficult to administer. It is triggered when a State's average gasoline price hits the unmanageable current level. It is also triggered off when gas prices decline. Every eligible person or family will get a monthly stipend of \$25 to \$75 to help cover the high cost of gasoline.

This legislation encourages States to use their block grant funding to help welfare recipients pay for transportation costs, necessary for people getting off welfare to get to work. Some States, including West Virginia, are already using welfare reform moneys as part of their welfare-to-work initiatives to help with transportation costs. I think that is a very important thing for States to do. I am proud of my State's initiative, and I am proud of their approach to welfare reform.

There obviously are not any magic bullets in bringing some sanity back to gasoline pricing, but this bill is designed to offer at least much-needed relief to West Virginians and other Americans who simply cannot make

ends meet while we are in the throes of high gasoline costs. I think it is a sensible bill, and I hope at the appropriate time it will get favorable consideration.

By Mr. DURBIN (for himself, Mr. ROCKEFELLER, Mr. BYRD, Mr. HOLLINGS, Mr. SPECTER, and Ms. MIKULSKI):

S. 979. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce bipartisan legislation known as the Fair Trade Law Reform Act of 2001 with my colleagues Senators ROCKEFELLER, BYRD, HOLLINGS, SPECTER, and MIKULSKI. This legislation will change for the better the way we trade with our global trading partners.

We talked a lot about trade in the last Congress. We voted to extend Permanent Normal Trade Relations status to China. We debated and passed the Africa Growth and Opportunities Act. Now, we have a new administration asking for Trade Promotion Authority and bilateral trade agreements with Jordan and Vietnam.

Today, we have just passed the President's tax bill. As far as I am concerned, the Congress and more specifically the Senate Committee on Finance should now turn its attention to the important matter of trade between our country and our global trading partners around the world. We need to have a discussion about what we are doing to make sure our manufacturers, our steel makers, our textile workers and our farmers are able to compete on a level playing field.

One industry, in particular, has been facing a deluge of imports from some 30 nations. The U.S. steel industry has for the last 4 years been battered by imports from foreign countries. We know from prior unfair trade cases that much of it is being dumped on our shores, and subsidized by foreign governments, at prices that are at historic lows. And we are talking about blatant subsidization. Look at the Korean government's relation to Hanbo and Posco. To this date, they have not fully divested their government role in those two steelmaking entities.

Many of the same nations who have been exporting steel to the U.S., have erected import restraints in their own countries or have filed dumping cases to keep this deluge from their own shores. The U.S. has become the export market of first and last resort for the whole world.

Some of these same nations throughout Europe and Asia, who erected trade barriers to this onslaught because of the harm it threatened over there, are arguing that our industry is not similarly threatened, or that our law doesn't permit us to take remedial action, even temporarily. Some argue that the industry has not been sufficiently harmed by this situation. Not

enough firms have gone under, not enough workers have been laid off. In other words, in order to prove sufficient harm to save your job, you must first lose it.

One week ago today, Northwestern Wire and Rod in Sterling, IL, shut down its furnace. It will roll out the rest of its billets and then close its doors. That's almost 1,500 employees. Over one-third of the residents of Sterling get their health insurance through Northwestern steel. Acme Steel has had financial difficulties. Five Illinois steel companies have either shut their doors or declared bankruptcy since 1998 and I don't see an end in sight.

My constituents are told that this is just the "free market" at work. That this is just the world markets working out the kinks. I find all this incredible. Some of these other nations must be laughing up their sleeves at our apparent helplessness and we are the only ones who don't get the joke.

Let me state for the record: I believe that free trade is very important for the United States. I also believe that fair trade is just as important. We are not helpless. We do not expect our businesses to all go under, our workers to all be laid off, before we wake up and take action.

We must take action in the 107th Congress to address basic inadequacies of our trade laws. We have made it easier to send our products and services to other countries. Yet, we haven't seemed to be able to address successfully the steel crisis that's been with us now for nearly 4 years.

Our trade laws, particularly the anti-dumping and countervailing duty laws, have long been, and remain, critically important to the U.S. manufacturing sector. They are the last line of defense for U.S. industries, operating on market-economy principles, against injury caused by unfairly traded imports. The heart of U.S. trade policy maintains that while America keeps an open market to fairly traded goods of any origin, our industries and workers will not be subject to injury from unfairly traded imports because the trade laws will be enforced and kept up-to-date.

The last general reform of the U.S. trade laws, unconnected to any particular trade agreement, occurred more than a decade ago. In that time, the problems to which these laws must respond have changed considerably, as underscored by the late 1990s Asian and Russian economic conflagrations and the ripple effect of results felt worldwide. It has become painfully clear that current trade laws are either incapable of responding to the kinds of sudden import surges—causing dramatic and rapid injury—or we have had various administrations that were unable to enforce them.

Our trade laws themselves are fully consistent with WTO rules. But they need to be revisited and made stronger. This bipartisan legislation would do several things:

First, we should strengthen section 201 language by removing a very high

causation standard and replacing that standard with a lower threshold by which U.S. industries and workers can prove their cases more easily. Let me state for the record that if we reform our trade laws and we ensure our trading partners know we are serious about enforcing those laws, the incentive to dump steel or other imported products will be reduced.

Second, the AD/CVD sections of this bill respond to the fact that current U.S. law makes relief unnecessarily difficult to obtain, imposing standards more onerous than those in the relevant WTO agreements. By updating the antidumping and countervailing duty laws, in light of new global economic realities to which those laws must now respond, we will reverse errant court decisions that had limited the laws' remedial reach in a manner never contemplated by the Congress.

And finally, we will establish a steel import monitoring provision, comparable to WTO-compatible programs maintained by other WTO members such as the EU, Canada, and Mexico.

The Congress, I might add, has not been silent during this debate over the last several years. We have had extensive debate in both the House and Senate and we passed the Byrd-Durbin Steel Loan Guarantee Program last year. This legislation was intended to provide immediate relief to qualified steel firms that have fallen on hard times. Unfortunately, the loan guarantee wasn't as successful as we had hoped. Despite a guarantee of 85 percent by the Federal Government, private creditors didn't step up to the plate and do their part to help our Nation's steel industry.

So, despite our still growing economy, despite our efforts to date, despite fiscal dilemmas in other parts of the world, we can't forget the steel industry. With over 10,000 steelworkers out of jobs and imports still fluctuating, I want to go home and tell my constituents in the steel pipe and tube industry that we have a solution to their woes. Let's send a clear signal to our trading partners, to our farmers, and to our manufacturers that we don't intend to stand by and lose more and more jobs because of unfair trading practices.

I thank my colleagues for helping me draft this legislation and I look forward to working with my colleagues on the Finance Committee to having hearings, to marking up this important piece of legislation, and enacting it into law.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleagues, Senators DURBIN, HOLLINGS, and BYRD, in introducing the Trade Law Reform Act of 2001. It has been far too long, well over a decade in fact, since the last general reform of our trade laws, and current circumstances, particularly the ongoing steel crisis that has resulted in 18 American steel companies declaring for bankruptcy since 1997, necessitate the prompt action of Congress.

Nothing short of section 201 can save the American steel industry. I have written President Bush twice since he took office in January urgently pleading with him to initiate a section 201 case before the International Trade Commission. In the time between my first and second letters, five U.S. steelmakers filed for bankruptcy. Imports have continued at record levels and prices have not rebounded. Absent a Section 201, any measures we take up in the Congress to redress the steel crisis are akin to rearranging deck chairs on the *Titanic*.

Despite the necessity of an immediate section 201 on steel, we must not cease in our efforts to improve the proper functioning of our trade laws. The safeguard, countervailing duty, and anti-dumping laws are vital to the manufacturing sector of our economy. They are often the first and last line of defense for U.S. industries injured by unfairly or illegally traded imports. Companies, workers, families, and communities rely heavily on these laws to prevent the ill-effects of unfair trade by our trading partners.

Unfortunately, recent events like the steel import crisis have demonstrated how painfully inadequate our current trade laws are in responding to rapid import surges. The flooding of U.S. markets with unfairly or illegally traded steel has caused severe and irreparable harm to our steelworkers, their families, and communities, and it is high time we revisit our trade laws in an effort to make our laws more responsive to the changing realities of the global economy. In the case of steel, I refer to the problem of foreign steel overcapacity that continually finds its way into the open U.S. market where it seriously injures our domestic steel manufacturers.

The reforms we are proposing today fall into three categories. Title I of the act improves the ability of our safeguard laws, often referred to as section 201, to adequately respond to import surges such as the flood of cheap steel that began to hit U.S. shores in 1997 and has not yet abated. Section 201 allows U.S. producers to obtain relief from serious injury that is substantially caused by imports even in the absence of unfair trade. However, the current U.S. safeguard standard for proving that a U.S. industry has been seriously injured by imports is stricter than the corresponding standard in the WTO Safeguards Agreement, a discrepancy which places U.S. manufacturers at a disadvantage with regard to their foreign trading partners. Whereas a foreign producer must prove only that an import surge, like the current steel import crisis, is a cause of injury, domestic producers are hindered by our trade laws which require our domestic industry to prove that the imports are a substantial cause of injury.

This inequity hampers the ability of our domestic industries to obtain relief from unfairly traded imports and creates an unequal playing field on which

our foreign trading partners have an advantage. It also contributes to making the U.S. the premiere dumping ground for illegal and unfairly traded imports, particularly in the case of steel. Our trading partners know the U.S. injury standard is high, and they exploit that fact. Title I simply brings the U.S. safeguard law with respect to the injury test into line with the WTO standard, thereby putting our domestic industries on equal footing with the rest of the world. Title I also contains other language to make section 201 more effective, such as provisions that expand the availability of early and meaningful provisional relief and more rapidly and effectively address import surges.

Title II of this legislation updates our anti-dumping and countervailing duty laws to make them more effective for a rapidly-changing marketplace. First, the bill makes it tougher for our trading partners to circumvent an anti-dumping or countervailing duty order. No longer will foreign nations be able to skirt around our laws by making slight alterations to the products they are exporting to the U.S. This legislation clarifies that antidumping and countervailing duty orders include products that have been changed in only minor respects.

In addition, the bill provides that the ITC cannot conclude that imports do not have a significant effect on domestic prices simply on the basis of the magnitude or stability of the volume of imports. This allows the Commission to take into account the fact that in some cases and for some industries, even small volumes of imports can have significant price effects and negatively impact the domestic industry.

Title III creates a steel import monitoring program designed to act as an early notification system when imports begin flooding the U.S. market. When the steel import surge began in July 1997, it was many months, even close to a year, before anyone in the administration would even admit that there was a spike in imports that was potentially harmful to the domestic industry. During that time, companies went bankrupt and thousands of steelworkers were laid off.

These provisions will make it easier to track imports and provide much quicker notification of potentially harmful import surges. Quite simply, the sooner we learn of unfair import surges, the sooner the administration, Congress, and the industry itself can take the necessary steps to provide steelworkers and steel companies with the relief they deserve.

By recognizing the changed reality of the international marketplace and how quickly import surges become major crises, the bill being introduced today provides much needed improvements of our trade laws. Too many of the current provisions designed to provide relief to our domestic manufacturing sector have been antiquated by recent changes in the global economy and the

structure of international trade. It is time we reaffirm our commitment to our manufacturing base by updating and enhancing the very laws designed to protect U.S. manufacturers from unfair and illegal imports from abroad. The Trade Law Reform Act of 2001 does just that.

Once again, I must reiterate that only an immediate section 201 on steel can preserve basic steelmaking capacity in the United States. While this bill cannot solve the steel crisis by itself, it does represent a significant step in the right direction.

By Mr. FITZGERALD (for himself and Mr. DORGAN):

S. 980. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. FITZGERALD. Mr. President, late last year, Congress passed the Transportation Recall Enhancement, Accountability and Documentation, or TREAD Act. That new law includes a bill I authored, the Child Passenger Act of 2000, which requires the Department of Transportation to update its standards on child safety seats for infants and toddlers. Today, I rise to introduce another bill, which represents the next step in our effort to ensure that all of our Nation's children are adequately protected in motor vehicle crashes.

The purpose of this bill is to encourage greater use of booster seats, and thereby reduce the number of traffic fatalities and injuries to young children. Booster seats are seat belt positioning devices that are designed to protect children who have outgrown their car seats but are still too physically small to fit properly in an adult-sized safety belt.

Safety advocates have coined the term "forgotten child" to describe the average occupant of a passenger vehicle who is at least 4 years old, but usually less than 8 or 9 years old, and less than 49" tall. According to the National Highway Traffic Safety Administration, or NHTSA, only about 6 percent of children between the ages of 4 and 8 years currently use booster seats when riding in motor vehicles. Too often, the child in this category has outgrown his child safety seat and is inappropriately placed in an adult-sized safety belt without a belt-positioning booster, or worse still, left completely unrestrained.

Three-point shoulder and lap belts, even those in the back seat where it's recommended that children sit, currently are not made or tested for children. Children who are graduated at 40 pounds or so directly from their child safety seat to adult seatbelts can suffer serious harm, say researchers. In some crashes, the seatbelts don't restrain the child. In others, they do, but the shoulder belt that cuts across the small child's neck, and the lap belt

that rides high over her abdomen, cause severe internal injuries to the liver, spleen, intestines and spinal cord. Medical doctors have characterized such injuries as "lap belt syndrome."

Parents obviously want to do what is best for their children. Safety restraint use for children under a year old is 97 percent, and 91 percent for children ages one to four. These high usage rates are due in part to the education and outreach that has occurred through the Occupant Protection Incentive Grants Program, enacted in 1998. The authorization for that annual, \$7.5 million grant program is about to expire. The legislation that I am introducing would extend the program for an additional two years.

To an even greater extent. These high restraint usage rates for infants and toddlers are due to the enactment of mandatory child restraint usage laws in all 50 states. There is no similar uniform requirement for booster seat use, and there are very serious gaps in state laws regarding child restraint generally. For example, some states require seatbelts only for children sitting in the front seat, and others only require children to wear seatbelts if they are younger than 5 or 6 years. According to NHTSA, for children between age five and fifteen, restraint use is only 68.7 percent, and NHTSA data for 1998 shows that over 47 percent of fatally injured children ages four to seven are completely unrestrained.

Education is critical to closing this safety gap. A recent survey of 1,000 parents and care givers conducted by NHTSA and DaimlerChrysler revealed that about 96 percent of parents and caregivers did not know the correct age for which a child no longer requires a booster seat or child safety seat.

We know booster seats save lives, yet the overwhelming majority of states don't require them. Only three states, Arkansas, California, and Washington, have adopted mandatory booster seat laws. Recent attempts to pass meaningful legislation in other states, including my home state of Illinois, have failed.

One obstacle that is holding back the states from adopting stronger laws is the lack of a Federal performance standard for booster seats for children who weigh more than 50 pounds. The legislation I am introducing today would give the Secretary of Transportation two years in which to come up with a new performance standard for booster seats. That standard would, of course, cover all children in booster seats, including those who are heavier than 50 pounds.

In addition, this bill provides strong incentives for states to adopt responsible highway safety laws. It would extend grant money to states if they adopt seat belt laws for all children under the age of 16 as well as booster seat laws for some of these children.

Many passenger cars have only a lap belt in the rear, center seating position

of the vehicle, which generally means that you cannot install a booster seat there. Yet safety advocates say that the rear, center seating position is generally the safest place for a child to be in the event of a crash. To close this safety gap, my bill also would require the installation of lap and shoulder belts in each of the rear seats of newly manufactured passenger vehicles offered for sale in the United States. That new requirement, which may be phased in over a three-year period, is based on a recommendation of the National Transportation Safety Board.

In closing, comprehensive medical data evidencing the benefits of booster seats is still being developed; and a lot of states have yet to adopt adequate safety belt laws. I believe that the safety of the "forgotten" child is extremely important, and we need to consider all of the tools at our disposal to advance it. I therefore urge my colleagues to support this important measure.

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. 980

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 "Child Passenger Protection Act of 2001".

SEC. 2. IMPROVEMENT OF SAFETY OF CHILD RESTRAINTS IN PASSENGER MOTOR VEHICLES.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to establish a safety standard for booster seats used in passenger motor vehicles. The standard shall apply to any child occupant of a passenger motor vehicle for whom a booster seat, used in combination with an adult seat belt, is an appropriate form of child restraint.

(b) ELEMENTS FOR CONSIDERATION.—In the rulemaking proceeding required by subsection (a), the Secretary shall—

(1) consider whether or not to establish injury performance criteria for children under the safety standard to be established in the rulemaking proceeding;

(2) consider whether or not to establish seat belt positioning performance requirements for booster seats;

(3) consider whether or not to establish a separate Federal motor vehicle safety standard for booster seats or incorporate booster seat requirements into an existing Federal motor vehicle safety standard; and

(4) review the definition of the term "booster seat", as that term is defined in Standard No. 213, set forth in section 571.213 of title 49, Code of Federal Regulations, to determine if it is sufficiently comprehensive.

(c) COMPLETION.—The Secretary shall complete the rulemaking proceeding required by subsection (a) not later than 24 months after the date of the enactment of this Act.

SEC. 3. REPORT ON DEVELOPMENT OF CRASH TEST DUMMY SIMULATING A 10-YEAR OLD CHILD.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transpor-

tation of the Senate and the Commerce of the House of Representatives a report on the current schedule and status of activities of the Department of Transportation to develop and certify a dummy that simulates a 10-year old child for use in testing the effectiveness of child restraints used in passenger motor vehicles.

SEC. 4. REGULATIONS ON MANDATORY USE OF LAP AND SHOULDER BELTS.

(a) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding to amend Standard No. 208, set forth in section 571.208 of title 49, Code of Federal Regulations, in order to—

(1) require each seat belt assembly in the rear seats of a passenger motor vehicle to be a lap and shoulder belt assembly; and

(2) apply that requirement to passenger motor vehicles beginning after the production year in which the regulations are prescribed in compliance with the implementation schedule under subsection (b).

(b) IMPLEMENTATION SCHEDULE.—The requirement prescribed under subsection (a)(1) may be implemented through a phase-in schedule prescribed by the Secretary which schedule may be similar to the phase-in schedule set forth in paragraph S.14.1.1 of section 571.208 of title 49, Code of Federal Regulations, except that the requirement shall apply to not less than—

(1) 50 percent of a manufacturer's production of passenger motor vehicles for the first production year to which the requirement applies;

(2) 80 percent of a manufacturer's production of passenger motor vehicles for the second production year to which the requirement applies; and

(3) 100 percent of a manufacturer's production of passenger motor vehicles for the third production year to which the requirement applies.

SEC. 5. TWO-YEAR EXTENSION OF OCCUPANT PROTECTION INCENTIVE GRANTS PROGRAM.

Section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328) is amended by striking "and 2001" and inserting "through 2003"

SEC. 6. INCENTIVE GRANTS FOR USE OF SAFETY BELTS AND CHILD RESTRAINT SYSTEMS BY CHILDREN.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30128. Grant program for improving child occupant safety programs

"(a) AUTHORITY TO MAKE GRANTS.—

"(1) IN GENERAL.—The Secretary of Transportation may make grants under this section as follows:

"(A) A basic grant to any State that enacts a child restraint law by October 1, 2003.

"(B) A supplemental grant to any State described by subparagraph (A) if the child restraint law concerned is an enhanced child restraint law.

"(2) LIMITATION ON NUMBER OF GRANTS IN ANY STATE FISCAL YEAR.—Not more than one grant may be made to a State under this section in any given fiscal year of the State.

"(3) COMMENCEMENT.—The authority of the Secretary to make grants under this section shall commence on October 1, 2003.

"(b) AMOUNT OF GRANTS.—

"(1) BASIC GRANT.—The amount of a basic grant made to a State under this section shall be equal to two times the amount received by the State under section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note) in fiscal year 2003.

"(2) SUPPLEMENTAL GRANT.—The amount of any supplemental grant made to a State

under this section shall be equal to three times the amount received by the State under section 2003(b)(7) of that Act in fiscal year 2003.

"(c) USE OF GRANT FUNDS.—A State shall use any amount received by the State under this section only to enhance the safety of child occupants of passenger motor vehicles.

"(d) DEFINITIONS.—In this section:

"(1) CHILD RESTRAINT LAW.—The term 'child restraint law' means a State law that prescribes a penalty for operating a passenger motor car (as defined in section 30127(a)(3) of this title) in which any occupant of the car who is under the age of 16 years is not properly restrained by a safety belt or otherwise properly secured in a child restraint system that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

"(2) ENHANCED CHILD RESTRAINT LAW.—The term 'enhanced child restraint law' means a child restraint law that prescribes a separate or additional penalty for operating a passenger car unless all of the vehicle occupants for whom a booster seat, used in combination with an adult seat belt, is an appropriate form of child restraint, are properly using a child restraint system that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 30127 the following new item:

"30128. Grant program for improving child occupant safety programs."

SEC. 7. DEFINITIONS.

In this Act:

(1) CHILD RESTRAINT.—The term "child restraint" means a specially designed seating system (including booster seats and child safety seats) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) MANUFACTURER.—The term "manufacturer" has the meaning given that term by section 30102(a)(5) of title 49, United States Code.

(3) MOTOR VEHICLE.—The term "motor vehicle" has the meaning given that term by section 30102(a)(6) of title 49, United States Code.

(4) PASSENGER MOTOR VEHICLE.—The term "passenger motor vehicle" means—

(A) a "passenger car" as defined in section 30127(a)(3) of title 49, United States Code; and

(B) a "multipurpose passenger vehicle" as defined in section 30127(a)(2) of title 49, United States Code.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this Act, including the making of grants under section 30128 of title 49, United States Code, as added by section 6.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. ENSIGN. I ask unanimous consent that committees be permitted to file committee-reported legislative and executive items on Friday, June 1, 2001, between the hours of 10 a.m. and 12 noon.

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

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND RECESS OR ADJOURNMENT OF THE SENATE

Mr. ENSIGN. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 146, the adjournment resolution, which is at the desk.

The PRESIDING OFFICER. The clerk will report the title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 146) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ENSIGN. Mr. President, I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider by laid upon the table.

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

The concurrent resolution (H. Con. Res. 146) was agreed to.

MEASURE PLACED ON CALENDAR—S. 964

Mr. ENSIGN. There is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will report the title.

The legislative clerk read as follows:

A bill (S. 964) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. ENSIGN. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

AUTHORITY TO MAKE APPOINTMENTS

Mr. ENSIGN. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 106-310, announces the appointment of the following individuals to serve as members of the Commission on Indian and Native Alaskan Health Care: Buford L. Rolin, of Alabama; and Jimmy Wallace, of Mississippi.

The Chair, on behalf of the majority leader, pursuant to Public Law 105-177, announces the appointment of Kerrie S. Lunsford, of Georgia, to serve as a

member of the Parent Advisory Council on Youth Drug Abuse for a one-year term.

The Chair announces, on behalf of the majority leader, pursuant to Public Law 101-509, the appointment of Michael B. Ballard, of Mississippi, to the Advisory Committee on the Records of Congress.

The Chair, on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the appointment of Lenore L. Prather, of Mississippi, to serve for a one-year term as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice Michael W. McPhail.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENSIGN. In executive session, I ask unanimous consent that the Senate proceed to the consideration of the following nominations en bloc: Calendar Nos. 58, 61, 85, 155, 158; and that the Finance Committee be discharged from further consideration of Peter Allgeier, PN 270, and Linnet Deily, PN 347, and the Senate proceed to their immediate consideration; I also ask unanimous consent that the HELP Committee be discharged of the nomination of Arthur Rosenfeld, PN 469, and the Senate proceed to its consideration, as well. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements related to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF THE TREASURY

David Aufhauser, of the District of Columbia, to be General Counsel for the Department of the Treasury.

John B. Taylor, of California, to be an Under Secretary of the Treasury.

DEPARTMENT OF DEFENSE

David S. C. Chu, of the District of Columbia, to be Under Secretary of Defense for Personnel and Readiness.

U.S. TRADE AND DEVELOPMENT AGENCY

Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Claude A. Allen, of Virginia, to be Deputy Secretary of Health and Human Services.

DEPARTMENT OF STATE

PN270. Peter F. Allgeier, of Virginia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

EXECUTIVE OFFICE OF THE PRESIDENT

PN347. Linnet F. Deily, of California, to be Deputy United States Trade Representative, with the rank of Ambassador.

NATIONAL LABOR RELATIONS BOARD

PN469. Arthur F. Rosenfeld, of Virginia, to be General Counsel of the National Labor Relations Board.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senator will return to legislative session.

ORDERS FOR TUESDAY, JUNE 5, 2001

Mr. ENSIGN. I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 146 until the hour of 12 noon on Tuesday, June 5, 2001. I further ask unanimous consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 12:30 p.m., with Members recognized to speak for up to 10 minutes each.

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

Mr. ENSIGN. I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 p.m. on Tuesday for the weekly party conferences to meet.

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

PROGRAM

Mr. ENSIGN. For the information of all Senators, the Senate will reconvene on Tuesday, June 5, at 12 noon and recess for the weekly policy luncheons from 12:30 to 2:15 p.m.

I wish everyone a good Memorial Day and congratulate the American people on the victory of a tax cut that will have positive effects on the economy.

Mr. BROWNBACK. I ask unanimous consent to speak for 5 minutes.

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

ORDER FOR ADJOURNMENT

Mr. ENSIGN. Mr. President, I now ask the Senate stand in adjournment under the provisions of H. Con. Res. 146 following the remarks of Senators BROWNBACK, ROCKEFELLER, and TORRICELLI.

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

The Senator from Kansas.

THE TAX BILL

Mr. BROWNBACK. Mr. President, I want to take just a few minutes at the closing to congratulate some key individuals, starting with Senator CHUCK GRASSLEY of Iowa. Senator GRASSLEY has worked doggedly to get this tax bill completed. He has done an artful, masterful job. He has worked with numbers of individuals—everybody in the Congress, in the House, the Senate, the White House—in order to get this bill on through. He deserves our applause and great thanks and appreciation. Senator MAX BAUCUS led on the

Democrat side. He did a great job as well on getting this bill and moving it on through.

I also want to recognize our leadership, TRENT LOTT and DON NICKLES in particular, both of them, in their aggressive efforts to get this tax bill, this tax cut that is needed by the American economy, that is deserved by the American public, on through the system. Without their efforts, it would not have taken place.

Of course, I also want to recognize and thank the House of Representatives, Chairman THOMAS on the Ways and Means Committee, Speaker HASTERT, and people there who pushed this bill on through so it could get done.

Finally, I recognize the person who, a year ago, started talking about the need for major tax relief in this country, and that is President George W. Bush, who put this forward in the campaign. I might note that was accompanied by a fair amount of consternation on the part of a number of people, saying it is too big, too much; we cannot afford to do this; it is not the right thing, it is not the right time—all of which proved to be false. He was right. The American economy needs this. The American people deserve this. This is the right time. It is the right place. Now we are going to do that \$1.35 trillion worth of tax relief for which the President has asked.

If you are getting a headache coming on, most people would say take an aspirin before it really sets in hard. If you get a recession that is coming on, and a downturn in the economy, most economists would note to you: Act early and act surely and act clearly to try to prevent that. The Federal Reserve has done that by easing the monetary supply and lowering interest rates five times. Five times the Federal Reserve has done that in anticipation of a slowing economy, saying we are going to do everything we can to keep this economy from going into recession. Economists would say that is monetary policy.

There is fiscal policy on the other side. In fiscal policy, you cut taxes if you anticipate a slowing of the economy. You need to do so clearly. You need to do so in ways that stimulate the economy, and you need to do it early before recession sets in. It is

similar to that headache: If it starts pounding and you take two aspirin, it doesn't do much. But if you start much earlier, when it is just starting, then you can pull back out of it.

The same is true with fiscal policy. We needed this tax cut for the economy. Rate reduction is the key way to do that. This is primarily about rate reduction, although it has great provisions on marriage penalty relief, educational savings relief, death taxes, and a number of different provisions in the bill—retirement security, adoption tax credits so people can be in a better position to afford the cost of adoption.

This is what the doctor ordered. This is what the economists have said we need and we need to do now. This should be the package enabling us to assure that the economy, while slowing, does not go into recession. This is exactly what the doctor ordered.

The individuals who led in this effort should be commended and recognized and given a real attaboy for seeing this early and putting us in the situation where now we are in the latter part of May putting this through and getting it done now, before we really could get into some trouble spots.

I think this is exactly the appropriate thing for management of this great economy in the United States that has had some difficulties here lately, for us to do the right thing. The individuals I mentioned certainly deserve our praise and accolades for getting it done.

This is a great day for the country. It is an important day for the economy. It is a necessary day for the economy. It is the right thing and a deserved day for the American taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for a period of 7 minutes.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. ROCKEFELLER. I thank the Chair. (The remarks of Mr. ROCKEFELLER pertaining to the introduction of S. 981 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

ADJOURNMENT UNTIL TUESDAY, JUNE 5, 2001

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned.

Thereupon, the Senate, at 12:54 p.m., adjourned until Tuesday, June 5, 2001, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 2001:

DEPARTMENT OF THE TREASURY

DAVID AUFHAUSER, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

JOHN B. TAYLOR, OF CALIFORNIA, TO BE AN UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF DEFENSE

DAVID S. C. CHU, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

U. S. TRADE AND DEVELOPMENT AGENCY

THELMA J. ASKEY, OF TENNESSEE, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CLAUDE A. ALLEN, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

PETER F. ALLGEIER, OF VIRGINIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

EXECUTIVE OFFICE OF THE PRESIDENT

LINNET F. DEILY, OF CALIFORNIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

NATIONAL LABOR RELATIONS BOARD

ARTHUR F. ROSENFELD, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

IN HONOR OF AMERICAN
VETERANS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HOYER. Mr. Speaker, On Monday, Americans throughout our great Nation will pause to honor those men and women who nobly sacrificed their lives to protect the safety and liberty of their fellow citizens.

Originally designated as "Decoration Day" to honor Veterans of the Civil War, and first observed on May 30, 1868, or modern Memorial Day now recognizes those one-million, three hundred and twelve-thousand, eight-hundred and ten heroes who died in defense of our Country in one or more of her conflicts: the American Revolution, the War of 1812, the Civil War, the Spanish American War, World War I, World War II, the Korean War, the Vietnam War, and the Persian Gulf War.

To the extent that we now enjoy the many rights inherent in a democracy, as well as those freedoms and benefits that we as a self-governing people bestow upon ourselves and our posterity, we owe great thanks to those defenders of democracy who died in war, so that we might live in peace.

We should also take time on this Memorial Day to honor all those Americans who have ever served in our Armed Forces, and to those great Americans who continue to volunteer to defend our Nation to this day. Without their continued commitment, courage and contributions, we would not enjoy the opportunity to be here, in this great land, reveling in the freedom that their noble deeds have allowed us to celebrate.

We should also take time today to reaffirm our commitment to our soldiers and our veterans: all men and women who voluntarily serve their Nation in the Armed Forces have earned the greatest respect, courtesy, and care that we can provide, and we as a Congress should never hesitate to deliver those benefits to our Veterans.

As we welcome this new Memorial Day in America, in peace and democracy, we solemnly acknowledge that the sacrifices of our Veterans have not been in vain, and will never be forgotten.

A TRIBUTE TO ROBBINS AIR
FORCE TANKERS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. CHAMBLISS. Mr. Speaker, today, I recognize the 99th Air Refueling Squadron from Warner Robbins, Georgia. They were recently named as the military's top tanker group for the third consecutive year.

The "Ramrods," part of the 19th Air Refueling group, are the only unit in the Air Force's

50 year history to win the General Carl A. Spatz Trophy for three consecutive years. Since 1975, this trophy has recognized the best air refueling squadron within the Air Force.

This refueling group has worked hard to earn this prestigious, national award. They were one of the most needed tanker groups in 2000. The "Ramrods" flew air refueling missions on every major deployment last year. Along with these deployment missions they had to carry out their normal exercises and long term troop commitments to areas such as the middle east.

The Warner Robbins 99th squadron was called upon to fly top-ranking Air Force and civilian officials around the globe, and they provided refueling support to military units in the Middle East after last fall's horrible terrorist attack on the USS *Cole*. The National Defense University selected the squadron to represent the Air Force on four high visibility missions around the world.

It is easy to see that these missions are very important in the military strength that this nation enjoys. This group is to be congratulated for their hard work, skill, and accomplishments in the Air Force.

TRIBUTE TO THE PARISH OF ST.
ELIZABETH SETON

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, on May 29th, 2001, a celebration will occur in my congressional district that is most noteworthy, and that I wish to bring to the attention of my colleagues in the U.S. House of Representatives. On this very special day, the Parish of St. Elizabeth Seton in the Town of Ridgefield, Connecticut will celebrate its 25th Anniversary.

With the population of Roman Catholic families growing in the 1970's, it was clear that there was a need for a new parish in the Ridgebury section of Ridgefield. Father Francis Medynski was appointed by Bishop Walter Curtis to re-configure the then existing parish of St. Mary's. After nearly two years of planning and consultation, Fr. Medynski's task was completed and he was named Pastor of the new St. Elizabeth Seton parish in April, 1976.

The new church had to make due with precious, few resources, calling on parishioners for every type of service. For example, everyone pitched in for a daylong cleaning effort of the temporary rectory/parish center on May 18, 1976.

In the beginning, the church met at the Ridgebury Elementary School, but it was clear from the start that the construction of a permanent church home was necessary. Efforts began immediately. Committees were established to hire architects and contractors, fund-

raising events were organized and parish programs were set. And, at last, on September 20, 1977, the church's official groundbreaking took place. Construction was steady, and a little over a year later, on December 23, 1978, the first Mass in the new sanctuary was celebrated. The formal dedication occurred on May 29, 1979.

Over the past 25 years, the church has continued to grow. The 371 original families in the parish have grown to approximately 1,000. The Religious Education program has expanded to the point of needing to build a new Parish Center that was dedicated in October, 1988. The Center also houses the church administrative offices and includes several meeting rooms for parish use.

In 1996, Fr. Medynski retired, and Father Joseph Prince then came to lead the church, which he has done with dedication and distinction.

Mr. Speaker, it is fitting to honor all the parishioners and church leadership alike who have contributed a guiding hand in the creation and growth of the Parish of St. Elizabeth Seton. Today, we celebrate their commitment to their faith, a commitment measured not only words but in their inspiring deeds. On behalf of the Congress of the United States, I extend our congratulations to St. Elizabeth Seton Parish and wish all God's blessings in the years ahead.

IN HONOR OF ASIAN PACIFIC
AMERICAN MONTH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Ms. PELOSI. Mr. Speaker, I rise to commemorate May as Asian Pacific American Heritage Month. I am proud to honor the diverse Asian Pacific American community I represent in San Francisco, which includes people whose heritage spans the globe—including Chinese, Filipino, Japanese, Korean, Vietnamese, Cambodian, Laotian, Thai and Hmong.

The Asian Pacific American population is growing at rapid rates nationally and this trend has been particularly significant in the Eighth Congressional District of California. The Asian Pacific American population in San Francisco has increased by 5.3% during the 1990's. The District I am honored to represent now has the fourth highest Asian Pacific American population of any U.S. congressional district.

While we celebrate Asian Pacific American Heritage Month, we must redouble our commitment to fighting discrimination. Recent studies have documented a troubling increase in negative attitudes toward and hostile acts against Asian Pacific Americans by portions of the American public. There are legitimate concerns about the governmental policies of some Asian countries. These concerns, however, do not and should not reflect on Asian Pacific Americans.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The district I represent, with its vibrant and diverse Asian Pacific American community, is a national treasure. We are all enriched by the contributions of the Asian Pacific American community, which shares responsibility for the success and achievements of our country, deepening our lives and strengthening our neighborhoods with its strong family values, proud work ethic and achievements in a wide variety of professions. We need to continue to recognize the contributions of Asian Pacific Americans through education, curriculum and other forms of public awareness.

San Francisco became a magnificent cosmopolitan success story because of its diversity. As we celebrate Asian Pacific Islanders Month, let us renew our commitment to overcoming misperceptions of Asian Pacific American people and culture, so that the inspiring and fascinating culture that I experience everyday in my congressional district can be known and celebrated by all.

PETER INDALL KNOWS HIS
GEOGRAPHY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I would like to congratulate an outstanding student from my state of New Mexico, Peter Indall. Peter is a fourteen-year-old eighth-grade student from St. Michael's High School in Santa Fe who recently represented New Mexico in the 2001 National Geographic Bee. This is not, however, his first time to participate in the National Geographic Bee—Peter represented New Mexico in the 2000 event.

Peter is a geography enthusiast; he believes "geography is not just about memorizing information—it is learning about other cultures and their history." Peter's parents, Jon and Mary Indall, credit their son's fifth-grade teacher, Connie Zimpleman at E.J. Martinez Elementary School, for inciting his son's passion to study geography. I know that his fifth grade teacher, as well as the rest of his instructors and fellow New Mexico citizens, are extremely proud of his accomplishments and are honored to have such a distinguished young man represent their state.

I have always placed an emphasis on education, and I am so pleased that Peter is excelling in his studies. His achievements have brought much pride to his family, school and community. I wish Peter and his family the best as this extraordinary young man continues to shine and stand out.

PAYING TRIBUTE TO KATIE
BENGAUSER

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Katie Benghauser on her 11 years of volunteer service to Mount Hope Elementary School in Lansing, Michigan.

Mr. Speaker, we are quick sometimes to condemn the acts of aggression, and not so

quick sometimes to celebrate the acts of kindness that happen in America. Katie Benghauser has shown this type of kindness by volunteering at Mount Hope Elementary School to make a difference in the lives of her children and the entire community. Katie has assisted in grant writing projects, event planning, and book fairs. There was no project too small for Katie to help with.

This act of kindness must not go without recognition. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Katie Benghauser for reminding us that community service is an important part of American life.

TRIBUTE TO ADAM T.
POPIELARCHECK, LIBRARY OF
CONGRESS POLICE OFFICER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HOYER. Mr. Speaker, I rise to pay tribute to a fallen member of the congressional community whose sudden passing reminds us how precious and fragile life is. On Monday, May 14, 2001, Officer Adam T. Popielarcheck, a 17-year veteran of the Library of Congress Police, lost his life in a traffic accident near his home in Mechanicsville, Maryland. Officer Popielarcheck's death saddens not only his own family, but also his fellow Library Police officers and numerous other employees of the Library, where he had embarked upon a second career after retiring as a lieutenant from the Washington, D.C., Metropolitan Police Department in 1983.

Millions of people visit the Capitol complex each year, and hundreds of thousands of them visit America's national treasure, the Library of Congress, whose buildings also grace Capitol Hill directly across the street. Although most Library visitors, and perhaps some employees, may never have known Adam Popielarcheck's name, they and indeed we all, owe him a debt of gratitude. It was Mr. Popielarcheck's job to help assure the safety and security of Library visitors, staff and collections, and he did it superbly every day. His colleagues have amply demonstrated since his death that they held Adam Popielarcheck in the highest esteem, both personally and professionally, and that he is sorely missed.

Officer Popielarcheck is also sorely missed by his widow, Maryellen, and by his sons, Thomas and Adam W.; his daughters, Tina and Tammy; his mother, Angelene; five brothers; two sisters; and by the many nieces, nephews, other relatives, and countless friends he leaves behind across the Washington, D.C., area, in Southern Maryland, in Pennsylvania, where he was born 60 years ago, and elsewhere.

Mr. Speaker, in this time of sorrow for the Popielarcheck family and the entire congressional community, let us pause and reflect on the life of a valued and wonderful man, Adam T. Popielarcheck, who toiled among us here, gave us his best and left us far too soon.

DON LEEBERN: A WINNER IN BOTH
ARENAS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. CHAMBLISS. Mr. Speaker, today I would like to pay tribute to Donald M. Leebern, Jr. a man whom, either knowingly or unknowingly, has touched and blessed the lives of many people in the state of Georgia. He is known by those closest to him as modest, personable and self-deprecating; however, "on field" or in the business world, he is a proven winner who works to succeed.

Don attended the University of Georgia where he played football, and started on both offense and defense. He played on the Bulldog's 1959 SEC Championship team that went on to win the Orange Bowl.

Earlier this year, "Big" Don, as friends affectionately call him, was inducted into the Chattahoochee Valley Sports Hall of Fame.

Pat Dye, a teammate of Leebern's at UGA and also former Head football coach at Auburn University, had this to say of Leebern, "it didn't make any difference, practice or playing. He was always full speed. He absolutely would not lose. He'd find a way to win." Pat Dye was absolutely correct.

Standing 6 feet 3 inches tall, Leebern was picked by the Dallas Texans in the first ever American Football League draft. As he was getting ready to debut in the AFL, his father passed away. Instead of pursuing what would have been a career of fame and fortune in professional football, Don decided to return home to Columbus and take over the family business, Georgia Crown Distributing Company.

It is not surprising what happened to the business. Georgia Crown Distributing Company has grown into one of the top 500 private companies in America. He built the small struggling wholesale beverage distributor into a thriving and diversified regional business, making him one of the most influential people in Georgia. He served on the Georgia Athletic Board and is a member of the University System of Georgia Board of Regents, which he chaired in 1994 and 1995. Leebern has been able to use his influence to better his community by, among other things, getting state funding for a basketball arena and physical education building at Columbus State—the Lumpkin Center.

The University of Georgia's Butts-Mehre Heritage Hall is where future Georgia football legends practice. It is also where Georgia's football history is housed, from Frank Sinkwich and Herschel Walker's Heisman Trophies, to photos of legendary Coach Wally Butts and jerseys of former Bulldog quarterback Fran Tarkenton. But there is only one name that anyone will see over the locker room at the Butts-Mehre Heritage Hall, specifically they will see, "The Donald Leebern, Jr. Memorial Locker Room." Certainly, it's a fitting reminder of all the good things Don has done for Georgia and the impact he's still having on future generations.

Don Leebern has certainly made a significant contribution to the state of Georgia and his life has certainly been a story of success. Congratulations, Don for a life of service. I applaud you for all you have done and wish you many more years of success in the arena.

TRIBUTE TO RABBI JEROME R.
MALINO

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, it is truly an honor for me today to bring to the attention of my colleagues in the U.S. House of Representatives the celebration of two very significant milestones in the life of Rabbi Jerome R. Malino of Danbury, Connecticut. During the weekend of June 1st through the 3rd, the United Jewish Center of Danbury, as well as the entire Danbury community, will be celebrating Rabbi Malino's 90th birthday, and marking his 66th year of continuous religious, spiritual, cultural, civic, and educational leadership for the people of Danbury.

Rabbi Malino has had a deep, wide and profound impact on the people and the City of Danbury. Certainly he could have served as Rabbi in any of the major cities of our nation, but he chose Danbury as a young man and elected to stay with us for nearly seven decades. He, and his wonderful wife, Rhoda, made that decision out of a great commitment to serve not only as Rabbi to a congregation, but as Rabbi of an entire community—through all of the ups and downs, problems and blessings, that come to the life of a community. Rabbi Malino's decision was a perfect fit, and a great blessing to us all, 66 years ago, and it remains a perfect fit today—all to the tremendous benefit of Danbury and its people.

Rabbi Malino has been active in nearly every aspect of Danbury life. He served as a member of the Board of Education for twenty years, including ten years as its Chairman. He was active with the Danbury Music Center and the Danbury Concert Association for more than two decades. He was a member of the Board of Directors of the local anti-poverty agency, and many other local human service organizations. For several years, Rabbi Malino served also as chaplain of the Federal Corrections Institution in Danbury.

While he officially retired in 1981, Rabbi Malino remains active today at the United Jewish Center, and continues his work as Rabbi Emeritus. As was said in a book of essays published in his honor, "His lifelong love of Torah and learning are evident in his eloquent sermons and writings, whether his discourse is on history, art, philosophy, or Bible. To this day, his schedule is as full as ever, for he willingly shares his wisdom with all who seek it, whether congregant, colleague, or rabbinical student at the Hebrew Union College—Jewish Institute of Religion, where he has taught for many years."

Rabbi Malino is a man of conviction and commitment. This dedication, coupled with his deep religious faith, have made him a beloved leader and citizen of Danbury, our State of Connecticut, and, indeed, our entire country. As United Jewish Center Rabbi Bradd Boxman said recently, "Rabbi Malino is a legend not only in Danbury, but nationwide. He is a treasure to the Jewish people." I would only add, he is a treasure to us all.

Mr. Speaker, it is both a personal pleasure and privilege to honor Rabbi Malino, a man I have known well for over 25 years, and have

the privilege of calling a close personal friend. On behalf of the Congress of the United States, I extend to Rabbi Malino best wishes for a most joyous birthday celebration, and our expression of deep gratitude for all of his many contributions to his congregation, the people of Danbury, and our nation. Thank you, Rabbi.

HONORING RICHARD AND
BARBARA SKLAR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Ms. PELOSI. Mr. Speaker, next week my constituents in San Francisco are gathering to celebrate the homecoming of two very special people, Richard and Barbara Sklar. Ambassador Richard Sklar returns to San Francisco from 5 years in Southeastern Europe where he coordinated programs with the European Union, World Bank, IMF and other donor countries to promote the economic reconstruction and strategic reform of eight Balkan countries. Now home in San Francisco, Richard will oversee the building of new energy plants for the State of California and build a private international mediation program.

Barbara Sklar, an accomplished artist for the past 35 years, has shown her work in galleries and group shows from New York to California. For the past five years, Barbara has worked in Bosnia, New York and Rome, and has exhibited her work from Florence to Sarajevo. An accredited specialist on aging, Barbara has shared her expertise the several Bay Area communities through her service at the Mt. Zion Hospital in San Francisco.

Richard and Barbara Sklar are being honored May 30, 2001 by San Francisco's Delancey Street Foundation, a residential rehabilitation community that provides housing and training to thousands of ex-convicts and recovering addicts at no cost to the client or taxpayers. At that time, Delancey Street's Crossroads Cafe will show Barbara's watercolor exhibit "Round Trip," a portion of the proceeds of which will assist in making it possible for hundreds of people to be trained in the hospitality field.

The Sklar's service to our country and our community is indeed a cause for celebration.

HONORING CAPITAL HIGH SCHOOL
PRINCIPAL ANDREW RENDON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. UDALL of New Mexico. Mr. Speaker, this is an emotional day for the public school system in Santa Fe, New Mexico, as we say goodbye to an educator who is dear to our hearts. Today, we say farewell to Capital High School Principal Andrew Rendon, who is retiring after 27 years of dedicated service to New Mexico public schools.

Mr. Rendon began his career as a 21-year-old student teacher at Robertson High School

in Las Vegas, New Mexico. Additionally, he spent two years at West Las Vegas Junior High, also in Las Vegas. Mr. Rendon then moved into the Santa Fe school system, teaching history at Capshaw and Alameda middle schools, and one year at Santa Fe High School. After his promotion to the Assistant Principal of Alameda Middle School, he transferred to Capital High, where he has been the principal for the last ten years.

The challenges facing Capital High have mounted over the past several years. The enrollment of the school has quickly risen to more than 1,400 students. In fact, Capital High is larger than Mr. Rendon's hometown community of Chama, New Mexico. In 1998–99 Capital High's dropout rate of 11.9 percent was the highest in the district.

Mr. Rendon has embraced these challenges by taking a hands-on approach in working with students to ensure their success, despite the daily hardships these students face. He has helped the Santa Fe Public School system aggressively institute literacy programs, beginning with kindergartners, to prepare students for high school. Mr. Rendon routinely spends time every day conversing with students and spending time with them on a one-on-one level, paying close attention to the issues that students face every day. His students say Mr. Rendon is a caring, "cool" individual, who "is fair with students and doesn't play favorites." Mr. Rendon helps his students to realize the importance of a quality education, which in turn helps them to stay in school. As a result of his undying efforts, the school's TerraNova ranking has risen eight points, and the school's dropout and attendance rates have significantly improved.

Mr. Speaker, I wish to recognize the tireless efforts of one of the most committed educators, Andrew Rendon, who has dramatically impacted the lives of thousands of students. I want to thank him for his work to overcome the hardships facing educators across the state of New Mexico. Mr. Rendon will be greatly missed.

PAYING TRIBUTE TO EDIE BLUHM
GOIK

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. ROGERS of Michigan. I rise today to congratulate Edie Bluhm Goik on being named an Honorable Mention winner in the 2001 Reading Is Fundamental National Poster Contest.

The creativity Edie has shown in this program is truly admirable. The self motivation she has demonstrated is certain to serve her into the future. I'm confident that this achievement will be only one of many during Edie's school years.

Mr. Speaker, I ask my colleagues to join me in congratulating Edie Bluhm Goik on being named an Honorable Mention winner in the 2001 Reading Is Fundamental National Poster Contest and in wishing her future success.

TAIWAN CELEBRATES
PRESIDENTIAL ANNIVERSARY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. CHAMBLISS. Mr. Speaker, a year ago, Mr. Chen Shui-bian, a former mayor of Taipei, captured the imagination of Taiwan voters and won Taiwan's presidency. Twelve months later, Mr. Chen has impressed the world with his leadership. At home, Chen has continued to push for greater democratic rights and accelerated economic reforms, especially banking reform. He has pledged to make his people and the world proud of Taiwan's human rights record and to do everything possible to stimulate Taiwan's domestic economy. In addition President Chen has announced on a number of occasions how he will try his best to conduct meaningful dialogues with Mainland Chinese leaders, hoping to achieve eventual reunification with the mainland.

Mr. Speaker, Taiwan is an open, free and democratic country, home to over 93 political parties, and virtually every level of public office in Taiwan is vigorously contested through free and fair elections. Most important of all, Taiwan is our friend and one of our most important trading partners. We wish Taiwan well, and its President good luck and good fortune on the eve of his first anniversary in office. We welcome President Chen to the U.S. and wish him the best.

TRIBUTE TO FRANKLIN JOHNSON

HON. JAMES. H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, this Friday, May 25th, a celebration will occur in my Connecticut congressional district that honors a man most deserving of our praise, respect and congratulations. Franklin Johnson of Naugatuck, Connecticut will be honored for 50 years of service to veterans, young people, his community and his country.

Born October 13, 1924, Mr. Johnson attended school in Naugatuck, graduating in 1942. Like many young men at that time, upon graduation he enlisted in the Army and saw significant action overseas, including the D-Day invasion at Omaha Beach, the liberation of Paris, and the Battle of the Bulge.

Following his years of military service to our nation, Mr. Johnson returned home and graduated from Springfield College in 1951. Two other events occurred that year that reflect the character and dedication of Frank Johnson. In August, he wed the former Jeanne DeCarlo, with whom, as his beloved wife of 50 years, he has raised a family of four children, and now eight grandchildren. That same year, he started his career at Naugatuck High School, where he eventually served for thirty-eight years as a teacher, guidance counselor and administrator.

At Naugatuck High School, Mr. Johnson paid tribute to the men and women who served in the Armed Forces, especially those that made the ultimate sacrifice for our country. Each year he has conducted a ceremony

honoring our fallen heroes on the Friday before Memorial Day. This Memorial Day will mark his 50th such service.

Mr. Johnson has served as Post Commander of American Legion Post No. 17 in Naugatuck and has been a mainstay in Connecticut in keeping alive the memory of all servicemen and women. Since 1988, he has served as Chairman of the Naugatuck Veterans Council, which sponsors the annual Naugatuck Memorial Day Parade, recognized as one of the finest such events in the entire United States.

Mr. Speaker, during the course of Frank Johnson's nearly 77 years, he has dedicated himself to the advancement of Naugatuck's young people, to his fellow veterans across the nation, to his community and to his family. He has set an exemplary standard for all of the rest of us to follow.

On behalf of the Congress of the United States, I commend Frank Johnson on his service to his country and thank him for his great contributions to securing and improving the quality of life for us all.

HONORING HOWARD AND MARY
LESTER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Ms. PELOSI. Mr. Speaker, I rise to salute Howard and Mary Lester for their longstanding entrepreneurial and philanthropic commitment to the San Francisco community. The Lesters are being honored on May 30, 2001 by San Francisco's Delancey Street Foundation, a residential rehabilitation community that provides housing and training to thousands of ex-convicts and recovering addicts at no cost to the client or taxpayers. Delancey Street will thank the Lesters for their generosity in donating furniture, dishes and flatware to the foundation's Crossroads Café, making it possible for hundreds of people to be trained in the hospitality field.

Howard Lester purchased Williams-Sonoma, Inc. in 1978. As Chief Executive Officer and Board Chair, he built Williams-Sonoma, The Pottery Barn, Hold Everything, and Chambers into phenomenal success stories. In April 2001, he turned over his CEO responsibilities, but remains Chairman of the Board. In addition, he has committed to sharing his expertise and success with young people through his endorsement of the Lester Center for Entrepreneurship and Innovation at the University of California at Berkeley.

Mary Lester is a longtime philanthropist whose activism with various nonprofit boards and community organizations has greatly enriched the City of San Francisco. She chaired the Raising Hope charity campaign, raising millions of dollars for cancer research programs at the University of California at San Francisco Medical Center.

I am proud to join my constituents in thanking Howard and Mary Lester for their years of service. Our community has been blessed by their visions and generosity.

INTRODUCTION OF THE SOCIAL
SECURITY NUMBER PRIVACY
AND IDENTITY THEFT PREVEN-
TION ACT OF 2001

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. SHAW. Mr. Speaker, today we continue our quest to protect the privacy of every American by cracking down on the fraud, abuse, and theft of Social Security numbers through the introduction of the "Social Security Number Privacy and Identity Theft Prevention Act of 2001."

Beginning last year, the Ways and Means Subcommittee on Social Security has heard about the truly devastating effects of identity theft. Colonel and Mrs. Stevens of Maryland saw their Social Security numbers used on 33 fraudulent accounts accumulating \$113,000 of bad debt. Mr. Bob Horowitz, a single father and small business owner from my district, saw his number used to open five fraudulent credit accounts. Months and years later these victims were still spending time, money, and energy to clear their names.

This week we heard from two more of the countless number of victims who have had their identity stolen and their credit ruined. Nicole Robinson of Maryland had her personal information stolen by a worker for a business that maintained HMO data bases. Her identity thief charged \$36,000 worth of goods in three months using Nicole's hard-earned good credit. These crimes have impacted Nicole's ability to refinance her home, obtain credit, and purchase cellular phone service.

Emeka Moneme of the District of Columbia had his personal property stolen at a gym in Ohio last year. He believes the crucial piece of personal identification his thief obtained was his Social Security number. This theft resulted in 13 fraudulent accounts with a total of \$30,000 in stolen credit.

It's no wonder why, in a Wall Street Journal poll last year, respondents ranked privacy as their number one concern in the 21st century, ahead of wars, terrorism, and environmental disasters.

When Social Security numbers were created 65 years ago, their only purpose was to track a worker's earnings so that Social Security benefits could be calculated. But today, use of the Social Security number is pervasive.

We have literally developed a culture of dependence on the Social Security number. Businesses and governments use the number as the primary way of identifying

Although Social Security numbers are used for many legitimate purposes, the wide availability and easy access to this very personal information has greatly facilitated Social Security number-related crimes and generated a growing concern for privacy. According to the Federal Trade Commission, Social Security numbers are a crucial piece of information used to commit identity theft.

The occurrence of identity fraud against U.S. consumers has increased dramatically in recent years. Identity theft is considered the fastest growing financial crime in the country,

affecting an estimated 500,000–700,000 people annually. Allegations received by the Social Security Administration's Hotline involving potential fraudulent use of Social Security numbers for identity theft increased from 62,000 cases in fiscal year 1999 to over 90,000 in fiscal year 2000—almost a 50 percent increase in just one year. In fact, the Sheriff's office of Broward County, Florida, my home county, recently said that the number of reported cases of identity fraud is up 3,000 percent in the past year.

What's worse, the nightmare of identity theft continues for the victims years after their identity has been stolen. Studies show identity theft victims spend 2 years trying to remove an average \$18,000 in fraudulent charges from their credit reports. Also, victims spent an average of 175 hours and \$808 in out-of-pocket costs (not including legal fees) trying to fix their problem.

Identity theft is such a concern for consumers that two of our nation's leading insurance companies now offer policies insuring their customers from financial losses associated with identity and credit card theft. Customer surveys found that internet-related liabilities were high on the list of losses most insurance companies have yet to address. One insurer's web site included statistics from the credit reporting agency, Trans Union, who reports receiving a 15-fold increase in calls with questions or complaints about identity theft from 1992 (35,000 calls) to 1998 (554,450—over 1,500 calls per day).

Clearly, there is a need for a comprehensive law that will better protect the privacy of Social Security numbers and protect the American public from being victimized. That is why last year, I, along with Mr. MATSUI, Mr. FOLEY, Mr. KLECZKA, and other Subcommittee members introduced H.R. 4857—the "Social Security Number Privacy and Identity Theft Prevention Act of 2000." This legislation took a comprehensive approach to achieve this goal by addressing the treatment of Social Security numbers in both the public and private sectors.

While H.R. 4857 was approved by the Committee on Ways and Means at the end of last year, it was not considered by the full House of Representatives before the end of the session, due to its referral to other Committees of jurisdiction who did not take action on the bill.

Today, I re-introduce the "Social Security Number Privacy and Identity Theft Prevention Act of 2001." This bipartisan, comprehensive legislation is very similar to last year's bill. In the public sector, the bill would restrict the sale and public display of Social Security numbers, provide for enforcement of the provisions, and establish civil and criminal penalties for violations.

In the private sector, the bill would restrict the sale, purchase, and display of Social Security numbers, limit dissemination of Social Security numbers by credit reporting agencies, and make it more difficult for businesses to deny services if a customer refuses to provide his or her Social Security number.

Based on the thoughtful comments we have received, this new legislation reflects a small number of fair and appropriate modifications, including the following:

Since the Federal Trade Commission does not have jurisdiction over financial institutions, our bill would now authorize the U.S. Attorney General to issue regulations restricting the

sale and purchase of Social Security numbers in the private sector.

Similar to our provisions affecting the public sector, we make explicit our intent that the prohibition of sale, purchase, or display of Social Security numbers in the private sector would not apply if Social Security numbers are needed to enforce child support obligations.

To help prevent other individuals from suffering the same tragic fate as Amy Boyer, we include a new provision that prohibits a person from obtaining or using another person's Social Security number in order to locate that individual with the intent to physically injure or harm the individual or use their identity for an illegal purpose.

We have clarified the provision that would prohibit businesses from denying services to individuals who refuse to provide their Social Security number, including an exception for those businesses that are required by Federal law to submit the individual's Social Security number to the Federal Government.

Mr. Speaker, I encourage all Members to co-sponsor this critically important legislation. We must act now to protect the privacy of Americans' Social Security numbers and to stop identity thieves from preying on those who have spent a lifetime achieving their good credit rating.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. JONES of North Carolina. Mr. Chairman, I rise today in opposition to H.R. 1, the Elementary and Secondary Education Act Reauthorization. I supported the vast majority of President Bush's original plan to 'Leave no child behind' because it demanded accountability for results combined with greater freedom from Washington-knows-best regulations. However, the original bipartisan program of local control was gutted in committee and the resulting bill unwisely expands the size and scope of the federal role in education.

The President's proposal to free states and school districts from thousands of burdensome federal regulations in exchange for a commitment for increased performance (also known as Straight A's), along with the proposal to allow low-income children attending failing schools to attend a private school were removed from the bill. The President's proposal to consolidate nearly 60 separate elementary and secondary education programs into flexible funding programs that states and local schools could use to meet their most pressing needs was also rejected. When they removed the pilot program for school choice, I realized that this bill would offer few new options for better scholastic opportunities for poor, inner city and rural children. If we can't offer the hope of a brighter future to the children who need it the most, then what have we accomplished?

While I support flexibility in federal funds to local school districts and school choice to allow our children to escape failing schools, I could not endorse increased federal testing requirements. In 1994, Congress passed the Improving America's Schools Act that mandated states to annually test students in reading and math in at least one grade in each of three grade ranges (3-5, 6-9, and 10-12). Implementation of these tests was to begin in the 2000-2001 school year, with a possible one-year waiver. As of January 19, 2001, only 11 states have complied with this testing requirement, 14 have largely complied and applied for a one-year waiver, and 6, including North Carolina must make changes to come into compliance with this law. The remaining states are still not in compliance with this law. I could not in good conscience vote to add another layer of testing requirements onto states that have not been able to implement the first federal testing mandate enacted in 1994.

It was a sad day for me to oppose a bill that originally showed such promise and innovation for the teaching and achievement of our nation's children. H.R. 1, the bill that emerged from committee increased the budget of the Department of Education, an agency that has already demonstrated its inability to account for the use of its funds. Additionally, it stripped even more local control and flexibility over the use of federal money. I cannot vote for a bill that continues the status quo by expanding the role of the federal government in local education and throws even more taxpayer money to an inefficient bureaucracy like the Department of Education. I believe that parents and local education officials including principals and teachers—not bureaucrats in Washington—know what is best for our children.

If the original elements of choice, flexibility, and consolidation had remained in the bill, I could have and would have voted for it. But in its final form, the bill is nothing more than a burdensome, bureaucratic, big-government shell of its former self. I will continue to work for restoration of President Bush's balanced proposals, as this bill moves to negotiations to reconcile the House and Senate versions. Until that time, I feel that I have no choice but to do what is in the best interest of my district and the people of North Carolina by voting "no" on final passage of this particular education bill.

FUEL TAXES

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. MANZULLO. Mr. Speaker, our country faces difficult energy policy issues. Every day, people fill their gas tanks in order to get to work and support their families. For every gallon of gasoline they buy, they pay federal, state and local sales and excise taxes. Current federal policy requires taxes to be paid on the income that pays for all of those sales and excise taxes. In my view, that is double, sometimes triple, taxation. That is wrong. Tax-paying Americans should not be required to pay income taxes on taxes that must be paid. Congress should make every attempt to eliminate from our books policies that do just that.

That is why I rise today to introduce legislation that would allow all taxpayers to deduct from their income level those taxes that are paid on gasoline. This means that people would not be forced to pay income taxes on those taxes that are paid for fuel that Americans need to get to work, go to school, attend church, drive to hospitals to see hurting loved ones, and other of life's necessities.

This is not a quick fix to our energy problems—by any stretch of the imagination. It is an attempt to help give some relief to taxpayers who are forced to pay exorbitant fuel costs caused, in most part, by federal regulatory requirements. Those costs, especially in Illinois, are compounded by state and local sales taxes that rise as a percentage of the overall price of fuel instead of the per gallon excise taxes.

I believe it is wrong to ask Americans to pay income taxes on money that they pay in other taxes, whether it is a federal, state or local tax.

HONORING THE ARNOLD ENGINEERING DEVELOPMENT CENTER OF THE OCCASION OF ITS 50TH ANNIVERSARY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HILLEARY. Mr. Speaker, I rise today in honor of the United States Air Force's Arnold Engineering Development Center at Arnold Air Force Base, Tennessee, which celebrates its 50th Anniversary on June 25, 2001.

The test center is named after 5-star General Henry 'Hap' Arnold, World War II commander of the Army Air Corps, and the father of the United States Air Force. In 1944, General Arnold asked Dr. Theodore von Karman to form a scientific advisory group to chart a long-range research and development program for the Air Force. After World War II, members of this group visited Germany to view its research and development facilities. They were disturbed to find that the German scientists were years ahead of the United States in the development of aerospace technology. Fortunately for us, Germany had made these technological advances too late in the war, and had to surrender before it could take full advantage of them. Even today, it is chilling to think what might have happened if the Axis powers had been able to hold out just a little longer.

General Arnold knew that America was unlikely to be that fortunate again, and determined that in order to keep America's Air Force prepared to fight and win our nation's wars, we needed a first class flight simulation test facility. In 1949, Congress authorized \$100 million for the construction of such a facility at the Army's old Camp Forrest between Tullahoma and Manchester, Tennessee. On June 25, 1951, President Harry S. Truman himself dedicated AEDC, declaring that, "Never again with the United States ride the coat tails of other countries in the progress and development of the aeronautical art."

In the 50 years since, the world's largest and most complex collection of flight simulation test facilities had made good on that promise. AEDC's wind tunnels, jet and rocket

altitude test cells, space chambers and ballistic ranges have played a vital role in the development and sustainment of every American high performance aircraft, missile and space system in use today. Twenty-seven of the center's 59 test facilities are unique in the United States. Fourteen can be found nowhere else in the world. But what makes AEDC special can't be measured simply in nuts and bolts. It also lies in the unsurpassed quality of the engineers, scientists, technicians, craftsmen and support personnel who work there.

Thanks in part to the tireless efforts of these dedicated men and women, the Cold War that President Truman and General Arnold prepared for has been won. But now, America faces an uncertain world of emerging threats, requiring the development of an advanced American space and missile defense, and a new generation of manned and unmanned aircraft. As it has since its inception, AEDC will lead the way in the U.S. Air Force's efforts to protect American liberty by remaining the world's preeminent aerospace power.

I salute the hard work of the men and women of AEDC, both past and present, and look forward to AEDC's next 50 years as America's premier flight simulation test facility.

RECOGNIZING RICHARD THOMAS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Richard Thomas, who is retiring after 28 years as the viticulture instructor at Santa Rosa Junior College in Sonoma County, California.

Mr. Thomas is the country's leading authority on wine grape production and has introduced growing techniques that have improved the crop quality and made Sonoma County one of the premier wine grape growing regions in the world.

During a yearlong sabbatical in New Zealand and Australia in the late 1980's, Mr. Thomas studied vine trellising techniques that revolutionized wine grape growing in California. By managing the grapevine's leaf canopy and lifting the vines to expose the grapes to air and sunshine, the fruit is more flavorful and is less susceptible to disease. By utilizing the technique taught by Mr. Thomas, growers are able to produce the highest quality of grapes. Sonoma County is now considered the world leader in canopy management.

Mr. Thomas has educated and trained the majority of people who own or manage vineyards on California's North Coast. According to his own estimates, 70% of Sonoma County's vineyards are either owned or managed by one of his former students.

In addition to his teaching duties, Mr. Thomas founded the Sonoma County Grape Growers Association and the Sonoma County Vineyard Technical Group.

He has coordinated the wine judging at the Sonoma County Harvest Fair, the West Coast Wine Judging in Reno, Nevada and the Central Coast Wine Judging in Santa Maria, California.

Mr. Thomas lectures throughout the country on wine grape growing and also writes a monthly column for *Vineyard & Winery Management Magazine*.

Mr. Speaker, because of Mr. Thomas' innumerable contributions to wine grape growing and specifically to the industry in Sonoma County, it is fitting to honor him today and to congratulate him for his many accomplishments.

HONORING JACK MURTAUGH

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, on Wednesday, May 30th, 2001 family, friends, community leaders and well-wishers will gather to congratulate Mr. Jack Murtaugh on his retirement from the Interfaith Conference of Greater Milwaukee, the last 12 as its executive director.

I have known Jack for many years, and have always admired his vision to unite persons of all faiths with a common agenda of social justice. Together with other community and religious leaders in the greater Milwaukee area, Jack has worked to move our community from awareness of issues such as poverty and discrimination to a platform of action.

Jack's service to Milwaukee and Wisconsin dates back to the 1960s when he founded the Center for Community Concerns and served as its executive director in Racine in 1968. In the '70s he was appointed to then-Governor Patrick Lucey's Task Force on Offender Rehabilitation and the Task Force on the Metropolitan Problem. Jack's work and his potential were recognized in 1971 when he was named one of "Five Outstanding Young Men in Wisconsin" by the Wisconsin Jaycees.

In an effort to seek global solutions to human rights issues, Jack took a five-month sabbatical traveling alone throughout Africa, including South Africa and Kenya, and South America. He made important connections with leaders in each country and village he visited and worked with them to increase understanding and dialogue among people of different faiths from diverse races and cultures.

Jack brought those lessons back to the states. In 1982, he joined the staff of the Interfaith Conference as program Director in 1982, and was appointed vicar for human concerns for the Milwaukee Archdiocese in 1987. In 1989, Jack was named Executive Director for Interfaith, where he has expanded the presence of the Conference in the Milwaukee community, strengthened relationships internally and externally, and re-affirmed the dedication of the Conference for staff and its many volunteers.

The greater Milwaukee community will acknowledge Jack's contributions by honoring him with the 2001 Social Justice Award from the Archdiocese of Milwaukee (5/01), and the 2001 Annual Philip E. Lerman Racial Justice Award from the YMCA (6/01).

Jack and his wife Lucia will continue to live in Milwaukee, and will continue to address issues of social and economic justice in defense of human dignity. I rise to commend Jack Murtaugh for his commitment to justice for all and for years of work to create compassionate care for those in need.

TRIBUTE TO NATIONAL TAP
DANCE DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. CONYERS. Mr. Speaker, tap dancing is widely recognized as America's only original form of dance, yet for years it has been in danger of becoming a lost art. I introduced a resolution that established each May 25, as National Tap Day on September 15, 1988. As a result, people have been coming together to celebrate tap through both performance and study and examine the incredible contributions made by legendary dancers such as Howard "Sandman" Sims, the Nicholas Brothers and contemporary dancers such as Gregory Hines.

I chose May 25, as National Tap Dance Day because it is was the birthday of Bill "Bojangles" Robinson. Mr. Robinson is credited with bringing this unique art form to perfection. Moreover, he was genuinely talented and well known worldwide for his work in movies and contributions to the art of tap dancing on both stage and film.

Tap dancing has had an influence on other types of American art, including music, vaudeville, Broadway musical theater, and film as well as other dance forms. Presently, Savion Glover is the new young star of the tap dancing profession. He is the youngest man ever to be nominated for a Tony award for his performance. Savion has appeared with Gregory Hines and Tommy Tune on television in *Dance in America: Tap!* He was also served as an inspiration for other young tap artist like the actor Dulé Hill. However, if tap is not encouraged, it runs the risk of losing its popular support. Unless we continue our efforts to preserve tap, we are in danger of losing an art form that is a uniquely American creation.

By passing the resolution designating May 25 as National Tap Dance Day, we in Congress have focused national attention on this great art form. Moreover, people around the country have come to better appreciate tap as an important part of our cultural heritage. I am pleased to know that the enactment of National Tap Dance Day and its annual celebration has served to increase public recognition, and support not only in this country but internationally as well.

EMILY CIAK HONORED FOR ESSAY
ON FREEDOM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to commend Emily Ciak, a senior at Northwest Area High School in my district, for an essay on freedom that she composed for the VFW's Voice of Democracy program. For this outstanding essay, Emily placed first at the local level in VFW Anthracite Post 283 of Kingston, first place in the District 11 competition and fourth overall in the Department of Pennsylvania finals held in Harrisburg.

I would also like to thank Al Long, a member of Post 283 and chairman of the legislative committee of the Pennsylvania VFW, for bringing Emily's essay to my attention.

I am pleased to call Emily's fine work to the attention of the House of Representatives, and I wish her all the best in her future endeavors.

Mr. Speaker, at this time, I would like to insert a copy of this essay into the CONGRESSIONAL RECORD so that others may read and be inspired by it as well:

I wake up in the morning to an alarm clock. I will then proceed to shower, eat breakfast, and go to school. After school I usually attend an athletic practice, drama practice, youth group band practice, youth group, or even a club meeting. On weekends I work as a grocery store cashier, and I attend church. If I have time throughout my week, I will hang out with friends, talk on the phone, or go on the Internet. What, you're probably asking, is my point?

Well, the big problem with my life and the life of most young Americans today is that we simply take our lives' freedoms for granted. I don't think about school as a privilege. I don't think about athletics as something that I'm blessed to be involved in. I don't even always think of church as an example of freedom. Why is this?

According to Webster's dictionary, "price always implies that an article in for sale; what a man will not sell he declines to put a price on." Think about that for a second. A price is only on something that is for sale. Well, if it's for sale it must be bought, right?

This is our problem. This is the missing link. We tend to forget that our freedom was bought for us. We tend to disregard the importance of the Revolutionary War, the War of 1812, the World Wars, the Korean War, and the Vietnam War. We forget that freedom is not something that every human being is given automatically at birth. Freedom is something that needs to be bought, most times by lives. Freedom is for sale, but it is something that is not easily placed on the market.

As I go through each day, I hardly ever stop to think why I am privileged to be an American. I take it for granted that I have food on the table, a public education, and the freedom to do what my life as I choose. I think this is something I should change. It is something that Americans need to change. We need to stop our busy lives for a second and start thinking about this price of freedom.

Men and women served our country to make it into the place it is now. They fought for our country, and won for our country. Even today we still have veterans alive that have gone through the war. They know what it's like to be a true patriot, loyal to our country. They know what it's like to see their friends dying in battle next to them. They know what it feels like to have their freedom at risk. We, as the ones who do not know of a life without freedom, need to start appreciating our veterans and start appreciating our war heroes of both the past and present. We need to recognize how precious our freedom is and how at any given second it could be snatched from our hands. We need to give credit where credit is due and stop forgetting that life is a gift.

Now if our freedom was bought for a price, and this price was war and death, then wouldn't it be great if our freedom was forever? If something is bought for a price, it can just as easily be given away or re-sold. Considering that our freedom could be snatched away from us brings up an important responsibility issue. We, as citizens of the United States of America, have the responsibility to make sure our freedom will last. We need to make every effort to stand up for ourselves in the times of danger. We need to take action when our freedom is in jeopardy and we have to remember how precious our freedom really is.

Just as easily as a priced item can be re-sold or given away, it can also just as easily

be preserved and kept by one owner for a very long time and passed on from generation to generation in his/her family line. This, America, correlates with our own duty regarding freedom. We must pass on this gift of freedom that our previous generations have fought for and that our present generations are now preserving for us and for our future generations. We need to teach the younger generations about the importance of our freedom and about the importance of its preservation. Just as freedom is not a birth-right, it is also not something that American babies being born today, or at any other time, automatically recognize as a gift to keep. We are the ones that need to pass on this torch of freedom and loyalty to our country. We need to set the precedent and be the example. Freedom does have a high price, and all must know about this.

Yes, I will still wake up to an alarm. I will still attend school. I will play in my youth group's band. However, I have now realized that I must appreciate the fact that I can freely participate in such activities and show others the value of freedom. Thank you, servicemen and servicewomen for allowing me to live a life of freedom; and thank you for paying the price for this freedom.

CHANCE C. MELTON, JR., HERO OF
THE PACIFIC THEATER

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. SPRATT. Mr. Speaker, as Memorial Day draws near, I want to remember one of my constituents, Chance C. Melton, Jr. of Gaffney, South Carolina, whose valor helped save hundreds of sailors from dying in the Pacific.

Chance Melton served in the United States Navy aboard the *USS Pittsburgh* during the latter stages of World War II. During his duty in the Pacific theater, Chance Melton helped rescue survivors of the aircraft carrier *USS Franklin* after it was bombed by the Japanese.

The *Franklin* was attacked early on the morning of March 19, 1945, in enemy waters, shortly before it was to launch an attack on the Japanese mainland. The attack killed 725 men, injured 200 more, and forced roughly a thousand overboard into the Pacific. Chance Melton, as a crew member on the *USS Pittsburgh*, helped pull dozens of sailors out of the water, and later helped as the *Pittsburgh* towed the *Franklin*, which miraculously was still afloat, for three days to get the carrier out of Japanese waters. Melton and his crew mates were under enemy attack throughout their operation, but they achieved their mission. They started the *Franklin* on its long but successful journey back to the Brooklyn Naval Yard. This was the first rescue in naval history to pull a disabled ship out of enemy waters.

For his service, Chance Melton was awarded the American Campaign Medal, the Asiatic Pacific Medal with three Silver Stars, and World War II Victory Medal. He served four years in the Naval Reserve before leaving military service. Chance became successful in textiles, and remains a leader in his community. He helped establish the Cherokee County Veterans' Museum, and has served as Commander of American Legion Post 109 since 1995. At age 85, Chance Melton is one sailor who is still going strong. I am pleased to

honor his valor and unstinting service to our country.

INTRODUCTION OF A BILL TO CREATE EQUITABLE RETIREMENT ELIGIBILITY FOR MILITARY RESERVE TECHNICIANS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. ABERCROMBIE. Mr. Speaker, today I introduce a bill that would provide comparable retirement eligibility for Military Reserve Technicians as applies to those on active duty.

For years, Congress has passed legislation on behalf of active duty service members and active duty retirees. Sometimes, full-time military reserve employees enjoy collateral benefits from this legislation. But often, they are not included. We are talking about Guard and Reserve employees who come to work in uniform each day; they are assigned to their military reserve unit and meet all military standards. They perform comparable, usually identical, military functions but in a civil service status. These are the employees that make our Guard and Reserve such a "good deal" for our country. Our reserve units can perform virtually all of the missions as their active duty counterparts at a fraction of the price because these dedicated full-time employees are available to provide continuity between unit training assembly, also known as drill, weekends.

Our Armed Forces are undergoing a thorough analysis and transformation to insure we are able and equipped to meet the evolving national security needs of tomorrow. It is obvious that the Guard and Reserve will continue to have vital missions and roles in this transformation. The Air Force has fully integrated the Guard and Reserve into its Aerospace Expeditionary Forces and cannot perform their scheduled rotations without them. The Army is studying the prospects of involving National Guard components in a more substantial role in Homeland Defense as recommended in the Hart-Rudman study.

Our hometown militia is here to stay, and so we must maintain benefits that will entice new young people to invest their future in the Guard and Reserves. One way to do this is to offer an attractive retirement package, similar to that of active duty members. This bill will do just that. Instead of having to wait until age 55 for a full civil service annuity, full-time military reserve technicians could retire at age 50. Or, once they have served over 20 years in civil service status, the number of years for retirement eligibility on active duty, they can retire at any age without a reduction in annuity.

It will continue to be challenging to recruit and retain young people into the armed forces. These challenges are not lost on the full-time reserve technician workforce. In many ways it will be worse, because the Reserves typically only recruit full-time staff from among

those already in the service. In other words, they have a smaller pool from which to draw. It is our responsibility to make sure the Guard and Reserves remain strong and vital, and one way to do this is to invest in their human capital.

The legislation I am introducing today is important not only to our current military reserve technicians who may meet the new retirement eligibility, but also to those new prospects who are evaluating employment alternatives as they decide with whom to invest their future. Make it a priority today to strengthen our Guard and Reserves of the future.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 23, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility and choice, so that no child is left behind:

Mr. PASTOR. Mr. Chairman, I support H.R. 1, the No Child Left Behind Act, but I must point out some sections that I believe place students with Limited English Proficiency (LEP) at a disadvantage. I have been contacted by several organizations with an extreme interest in these provisions of the legislation, and I would like to point out some of the concerns we share. Hopefully, when Members of the House of Representatives and the Senate meet in Conference, these provisions of this historic legislation can be addressed to ensure complete fairness to all of America's children.

I oppose the requirement in Title I and Title III for parental consent for English Language Instruction. I would like to point out that current law already includes a requirement that schools notify parents about their child's participation in bilingual and English as a Second Language (ESL) programs. The provision in H.R. 1 goes further and requires every local educational agency (OEA) to obtain written parental consent before LEAs could serve limited English proficient children with appropriate bilingual instruction. In contract, LEAs using English only instruction would not have to seek such consent. In reality, this parental consent requirement would create a disincentive for schools to serve LEP students.

Title III of the No Child Left Behind Act also proposes to consolidate the current Bilingual Education Act (BEA), the Emergency Immigrant Education Program (EIEP), and the Foreign Language Assistance Program (FLAP) into one formula driven State grant. Addressing the unique needs of limited English proficiency students has reached critical levels. The approach taken in H.R. 1, consolidating

these three programs, is counterproductive and does nothing to assist LEAs in providing adequate services for LEP and newly arrived immigrant students. I oppose the consolidation of these programs and urge the Conferees to maintain each as a separate and distinct entity.

Finally, Mr. Chairman, Title III also requires every LEA to design programs that assess LEP students in English who have attended school in the United States for three or more consecutive school years in reading or language arts, and if these students have not reached proficiency in English, the LEA will face economic penalties. Of course, Mr. Speaker, this will lead to LEAs proclaiming proficiency and removing these students from these programs whether they have learned English or not. This imposition of an arbitrary three year instructional time limit is ill advised and intrudes on the LEAs ability to help LEP students succeed. As we all realize, all students, including LEP students, come to school with diverse needs, and at different

In closing, I again want to point out my support for this legislation. However, if we truly do hope to "leave no child behind," we must look seriously at the provisions dealing with limited English proficiency students. I am hoping and trusting that the Conferees will make the right decisions on these important provisions of H.R. 1.

TRIBUTE TO LARRY MCCORMICK

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize Mr. Larry McCormick for his 30 years of dedicated service to the people of Los Angeles as a news broadcaster with KTLA-TV.

Truly a multi-faceted, multi-talented, media professional, Larry has worked for over 40 years in the field of broadcasting—33 in television news. Joining KTLA in 1971 as a weatherman, Larry now serves as anchor of the station's "News at Ten Weekend Edition," and as weekday feature anchor for "News at Ten." He also co-hosts the highly-regarded "Making It: Minority Success Stories," seen every Sunday morning.

As the first African American news anchor in Los Angeles, Larry has served as a role-model for a generation of television journalists. His years of experience and reputation for honesty earned him the prestigious "Governor's Award," the highest honor presented annually by the Academy of Television Arts and Sciences. Over his long journalistic career, he has also been nominated for many Emmy Awards and has been the recipient of a number of Golden Mike Awards for news excellence.

Although very busy with career and family, Larry has always made time to give back to the city that has been the starting point of his success. Every year, this dedicated individual hosts the local United Negro College Fund and Muscular Dystrophy Association telethons and serves as "quiz master" for the Los Angeles Unified School District Academic Decathlon "Superquizzes." Emceeding nearly 2,000 programs in the greater Los Angeles community over the past 30 years, Larry also serves as a member of the board of directors for numerous community, as well as professional organizations. In addition, he has been the recipient of over 100 awards, citations and honors from government, civic and community organizations for his tireless devotion to the people of Los Angeles.

Mr. Speaker, on May 30, 2001, colleagues, friends and family will gather for a special evening to salute Larry McCormick's 30 years with KTLA. It is with great pride that I ask my colleagues to join me today in honoring this exceptional individual for his outstanding contributions to the broadcast industry and his ongoing commitment to serve the communities of Greater Los Angeles.

POLITICAL CRISIS IN INDONESIA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. PITTS. Mr. Speaker, recent political crises in Indonesia underscore the difficult challenges facing the development of democracy in that nation and region. The spectrum of issues includes human rights violations in Aceh, Irian Jaya, Maluku, Poso, and Padang, the Trisakti shooting, corruption cases, mass rapes of Chinese women in May 1998, and the upcoming parliamentary actions against President Wahid. At this moment, democracy in its infancy is being seriously challenged in Indonesia. No great principle or ideology, however, survives without facing serious challenges—challenges that can be surmounted with great sacrifice and leadership. Democracy is a principle for which it is worth fighting. And, I trust that the people of Indonesia and their leaders will continue to make every effort to see that democracy is established firmly so that the Indonesian people will enjoy true prosperity and peace.

Last June I led a delegation to Indonesia and shared with President Wahid deep concern about the presence of Laskar Jihad in the Malukus and the widespread violence and bloodshed perpetrated by this group. The President indicated he had ordered Laskar Jihad to leave and stay out—an encouraging sign for the suffering people in Maluku. Several weeks ago reports detailed the arrest of the leader of Laskar Jihad, Mr. Jafar Umar Thalib. Many hoped that the turmoil and killings in the Malukus would finally come to an end. Important progress has been made among the Moluccans themselves, both the Muslims and the Christians, with reconciliation, rehabilitation and the rebuilding programs for people in the Malukus. This reflects a foundation and strong desire for the Moluccan people to reconcile without interference from militant and extremist groups such as Laskar Jihad.

Unfortunately, continued reports from Indonesia about the arrest and then release of

leaders promoting violence, particularly the release of Mr. Jafar Thalib from police custody, have discouraged many within Indonesia. There are widespread implications of the release of an individual who seems to only promote violence, bloodshed, and division. Mr. Thalib's, and other militant leaders' desires undermine the establishment and continued development of democracy, civil society, freedom, and peace for the people of Indonesia. In addition, the proposals of some groups to impose Sharia law on the entire nation raises great concerns. One is hard-pressed to find a country anywhere in the world in which democracy and Sharia law coexist.

The unrest and strife resulted in \$90 billion in foreign investment leaving Indonesia in the year 2000. Yet, the international business community hopes to return investment to Indonesia and increase business and therefore jobs for local economies. Lack of rule of law and civil society create instability—an environment that threatens any economic growth. Businesses will find other markets in which to grow in Asia.

I, and many other Members of Congress, fully support the establishment and development of democracy in Indonesia. Civil society and stability will create a lasting atmosphere in which the beauty, diversity, and resources of Indonesia and the Indonesian people can grow and be enjoyed in peace and prosperity.

INTRODUCTION OF LEGISLATION TO NAME THE KOKOMO, INDIANA POST OFFICE FOR FORMER CON- GRESSMAN ELWOOD "BUD" HIL- LIS

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BUYER. Mr. Speaker, I rise to honor one of the most distinguished men ever to represent the state of Indiana in the House of Representatives by introducing legislation to name the post office in Kokomo, Indiana for my good friend, former Congressman Bud Hillis.

Bud honorably and effectively served the people of Indiana's 5th District in the House of Representatives from 1971 to 1986. During his time in the Congress he was a reasonable and authoritative voice on matters of national security, trade, and veterans issues. A graduate of Indiana's Culver Military Academy, he enlisted to fight in World War II at the age of 18. He served as an infantryman in the European Theater for 27 months, leaving active duty as a first lieutenant. After the war, Bud attended Indiana University and the Indiana University School of Law. He went on to practice law in Howard County, Indiana, and served as Chairman of the county bar association.

Before his election to Congress in November of 1970, he served two terms in the Indiana House of Representatives. As a Member of the U.S. Congress, Bud was known for a unique combination of genteel civility and firm resolve. During his years in Washington, he was noted for his leadership on several issues of vital importance to Hoosiers and to the nation as a whole.

As a member of the Armed Services Committee, Bud was instrumental in the develop-

ment and deployment of the M-1 tank and the preservation of Grissom Air Force Reserve Base. He took a serious interest in the automobile industry as a founding member of the Congressional Auto Task Force and was a leading advocate of the rescue of Chrysler. He was also a strong force in the Congressional Steel Caucus as Vice President of the executive committee. Bud also took seriously our nation's commitments to our veterans. As a member of the Veterans Affairs Committee, he was a leader in caring for our country's veterans, and was instrumental in the construction of the outpatient clinic at Crown Point.

Mr. Speaker, Bud Hillis has a distinguished record of service to his country and to the people he represented here in the House of Representatives. The dedication of the Kokomo post office, would be a fitting tribute for such an honorable and accomplished man.

HONORING LESLIE BELCHER SOWELL

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. WATKINS. Mr. Speaker, I rise today to honor my chief of staff, Leslie Belcher Sowell, who is leaving the service of Oklahoma's Third Congressional District this past Thursday, may 24, 2001 after many, many years as a member of my staff. Leslie is a multi-talented young woman whom I have watched grow and mature from a young congressional intern into a true professional as my top congressional advisor and most trusted political assistant.

Leslie grew up in Chandler, Oklahoma, in the Third District. She is a graduate of Chandler High School and Oklahoma State University in Stillwater.

Leslie first joined my staff as a congressional intern. Later, after she graduated from college, Leslie joined my office full-time as a staff assistant and receptionist. It wasn't long before Leslie earned a promotion to legislative assistant, and she eventually became one of my top assistants for the House Appropriations Committee. Her assistance as invaluable to my efforts to help the economic and job growth of the Third District.

When I left Congress after 1990, Leslie returned to OSU where she served on the staff of the university's government relations office. She returned to Capitol Hill a few years later to work as legislative director for my successor in the Third District, Rep. Bill Brewster, D-Oklahoma.

In 1996, when I decided to return to Congress, Leslie again joined me, this time as my chief of staff and top political advisor. In addition, she served as my legislative director and press secretary during the initial period of my first term back in Congress when we were organizing my new staff.

In 1997, during consideration of a major tax bill, Leslie became an underlying catalyst in my efforts to make sure former Native American lands in Oklahoma were eligible for tax incentives created to encourage economic development on Native American reservations. Leslie helped me guide this hallmark legislation through the Ways and Means Committee,

through the full House, and through final passage. This legislation has meant more to economic growth and job development in Oklahoma than any efforts in recent history. Without Leslie Belcher Sowell's efforts, it would have been nearly impossible for me to see this legislation passed into law. Her last action in our office was making a phone call trying to get this process extended until 2009.

Leslie has always shared my goal of improving the economic conditions in rural Oklahoma, which is why she has been such a perfect fit for my staff. Leslie has been dedicated and committed to my efforts whether I was Democrat, Independent, or Republican.

I have had the privilege of watching Leslie grow in her career, seeing her marry the love of her life, taking on her most challenging and rewarding job ever—becoming a mother. Leslie is a dear friend, and I thank her for her service to the Third District, the State of Oklahoma, and the United States of America.

Leslie: I will miss you, and the Third District will miss you. May God bless you and your family. I tip my hat to you, and thank you for your loyal friendship and a job well done.

PRESIDENT BUSH'S ENERGY
POLICY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. COSTELLO. Mr. Speaker, for months now, people in our area and all over the country have been upset with the ever-increasing cost of gasoline, and rightfully so. At a time when we are facing one of the most serious energy shortages in history I am especially interested in President Bush's plan for a national energy policy. I have strongly supported a long range energy policy for our country.

I believe the President's energy plan has many good points including a \$2 billion coal initiative and increased use of reformulated gasolines using ethanol. However, I believe his proposal can be improved upon. For example, we have the ability now, to use reformulated gasoline in a much greater capacity. In addition, Congress needs to ensure the President's new Clean Coal Power Initiative is adequately funded. Coal, which we have an abundance of in Southwestern Illinois, is an excellent alternative use of fuel. I think the President's coal initiative is a great idea that can be expanded to include incentives for new and improved clean coal technologies. We can and should use this abundant resource in an environmentally sound way. Coal usage will greatly reduce our dependence on foreign oil and avoid a band-aid approach, like drilling in the Arctic National Wildlife Refuge.

Mr. Speaker, excluding California and Hawaii, my home state of Illinois is faced with the highest gas prices in the country. Cutting gas prices now is essential! This can be done in a variety of ways: opening marginal oil wells, producing more ethanol and ensuring oil companies are not making record breaking profits from increased gas pricing.

I have also started hearing from many farmers who want to hear more about the role ethanol will play in the President's plan. I was very disappointed to learn that Vice President CHENEY does not believe alternative fuels are

a viable option right now. CHENEY stated "Years down the road alternative fuels may become a great deal more plentiful. But we are not yet in any position to stake our economy and our own way of life on that possibility." We can and should use alternative fuels now! In 2000 alone the ethanol industry expanded production by 155 million gallons and is on course to increase by an additional 400 million gallons in 2001. Each day more than 5 million gallons of ethanol are blended into about 65 million gallons of gasoline—adding critical volume to a tight gasoline market and reducing the pressure on price. Ethanol is far less expensive than MTBE—refiners could replace \$1.50 of MTBE with 50 cents of ethanol.

Mr. Speaker, I hope Congress will ensure improvements are made to the President's plan that will allow for immediate relief and assure our constituents that we will not continue the upward spiral of higher gas prices or greater dependence on foreign oil year after year.

TRIBUTE TO PROVIDIAN
FINANCIAL CORPORATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Ms. LEE. Mr. Speaker, I am extremely honored and proud to rise today to salute Providian Financial Corporation for its selection as this year's Quality Cup service industry award winner, as named by the Rochester Institute of Technology and USA Today.

On learning of Providian's selection, I felt a special sense of pride in knowing that this company is based in the Bay Area and that thousands of its employees live and work in my district.

Providian is an outstanding corporate citizen. In my own district, Providian partnered with the NFL Oakland Raiders to raise more than \$40,000 last year for a children's education center. The company's dedication to the community translates to its business practices as seen by this recognition of its high quality customer service.

Providian also deserves commendation serving people along every point of the economic spectrum. The company believes that providing access to credit helps people build better lives. And, it works hard to help people obtain and manage the credit they need.

To ensure quality service, Providian records every sales call. It has empowered its customer representatives to resolve complaints on the first call. It has put in place new systems to help customers protect their credit records with last-minute payments by phone and the Internet. With initiatives like these, Providian has made service its hallmark.

Remarkably, Providian has implemented these changes and recorded a steep drop in complaints at the same time it has dramatically increased the number of customers it serves.

I hope my colleagues in the House, and all Americans, will join me in saluting Providian for a job well done. I hope that all of corporate America will look at their example of being a good corporate citizen.

PERSONAL EXPLANATION

HON. BILL PASCHELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. PASCHELL. Mr. Speaker, due to an error on my part, on May 23 I erroneously voted in the affirmative for the Cox amendment to H.R. 1, rollcall No. 143.

My intention was to have voted in the negative for the Cox amendment to H.R. 1, rollcall No. 143.

DETROIT'S 300TH ANNIVERSARY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. KNOLLENBERG. Mr. Speaker, I rise today to congratulate the city of Detroit and its residents on the 300th anniversary of the city's founding. As the oldest city in the Midwest, Detroit is the place where Henry Ford made the automobile affordable for all people through the implementation and perfection of mass production. I want to thank Congresswoman CAROLYN KILPATRICK for introducing H. Con. Res. 80.

The city of Detroit also provided assistance for more than 40,000 individuals eagerly awaiting freedom as a stop on the Underground Railroad. Additionally, the city of Detroit has been coined the "Arsenal of Democracy", as Motor City residents bravely gave their services to our nation, contributing tremendously to the United States' victory in World War II.

With this year marking the 300th anniversary of Detroit's founding, it has grown into the tenth most populous city in the United States. Detroit has put the world on wheels, and exerts global influence in automobile manufacturing and trade. Furthermore, Detroit is an academic and cultural epicenter, and also exhibits a rich sports tradition. Many musical greats call Detroit home, and it was in this great city where the Motown Sound was born.

I wish to extend to each resident my hearty congratulations on Detroit's 300th anniversary. Their dedication and hard work makes Detroit a city to be commended on its important contributions to the economic, social, and cultural aspects of the United States.

ANOTHER MINNESOTA MEDICAL
TECHNOLOGY SUCCESS STORY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. RAMSTAD. Mr. Speaker, the front page of the Wall Street Journal yesterday announced the Food and Drug Administration's approval of a break-through medical device produced by St. Jude Medical, and company located in my home state of Minnesota.

St. Jude is part of Minnesota's Medical Alley, made up of 300 medical technology companies in the Twin Cities area, which has led the innovation explosion in health care. Increasingly, new medical devices are saving

lives, improving the quality of life and reducing health care costs for Americans.

Congress can be proud of its work over the past several years to reform the FDA so Americans can get access to life-saving medical technologies. However, much more remains to be done, including reforming the way Medicare reimburses seniors for these health care technologies.

As co-chair of the House Medical Technology Caucus and a member of the Ways and Means Health Subcommittee, I encourage my colleagues to join me in promoting reforms that will make technologies like St. Jude's "sutureless" heart surgery device available to seniors and the other Americans who desperately need them.

[From the Wall Street Journal, May 24, 2001]

NEW TOOLS MAY MAKE HEART-BYPASS
SURGERY QUICKER AND LESS RISKY
(By Ron Winslow)

BERNE, SWITZERLAND.—As Thierry Carrel stands over his patient in operating room No. 1 at University Hospital here, he may be poised at the threshold of a new era in heart surgery.

For more than three decades, surgeons have used needle and thread to sew new blood vessels into patients during coronary-bypass operations, which are typically performed through a massive incision in the chest. The vessels are used to reroute blood around blockages in the arteries that feed the heart. And the procedure's success hinges largely on the surgeon's skill at stitching them into place.

But at the moment, Dr. Carrel isn't using his sewing talents. Instead, he takes a device loaded with a vein, inserts it into a small hole he has just cut in the patient's aorta and pushes a button. Click. The device, which resembles a long-handled screwdriver, releases a tiny web of wires that unfolds to form a star-shaped rivet. In less than 10 seconds, Dr. Carrel has attached the vein to the aorta mechanically. That compares with the three to five minutes it might have taken him to make the same attachment with stitches.

FOREIGN DEBUT

Dr. Carrel is one of a handful of surgeons in Europe and Canada who have used the device during the past several months on a total of about 1,000 patients. St. Jude Medical Inc., the U.S. company that makes the product, rolled it out quietly in Europe last fall, but has largely kept it under wraps. Now, that is about to change.

Today, St. Jude plans to announce that the Food and Drug Administration has approved the device for use in the U.S. That makes the St. Paul, Minn., company the early front-runner in an emerging race to equip doctors to perform "sutureless" bypass surgery. If surgeons embrace the new technology, it could transform the procedure by triggering wider use of techniques designed to make the operation easier on the patient and reduce the incidence of serious side effects.

St. Jude calls its new product the aortic connector. While it is designed to make just one type of the various critical attachments that bypass surgery requires, the company is planning to introduce a full line of connectors over the next year or two, aiming to automate the entire vessel-grafting process. The typical bypass operation involves three or four vessel grafts in which a doctor performs five to seven individual sewing procedures.

NOT GOING TO FLY ANYMORE

As the first to the market, St. Jude faces several hurdles in winning acceptance of its

device. Among them: the added cost of using it and the long-term track record of conventional heart surgery, which is impressive enough that many doctors may feel little need to meddle with it. But there also are compelling arguments for heart surgeons to adopt sutureless connectors. Leading the list is the growing push to make bypass surgery—one of medicine's most invasive operations—more patient-friendly.

"For 35 years, we've been doing by-pass surgery the same way and gotten away with it," says Hani Shennib, a heart surgeon at McGill University Health Center in Montreal. "That's not going to fly anymore. Patients really want to have the same outcome as surgery but with procedures that are a lot less invasive."

The most promising strategy along those lines is beating-heart surgery, in which the surgeon operates on the heart as it continues to pump blood. The goal is to avoid putting the patient on a heart-lung machine, or the "pump," as surgeons call it. Time on the pump, which takes over the heart's function so surgeons can operate on a still organ, has been associated with complications arising from bypasses.

A MOVING TARGET

But the beating-heart technique, which emerged in the mid-1990s, is used in only about 20% of the more than 700,000 bypass surgeries performed world-wide each year. The main reason: the painstaking work of suturing bypass vessels into place—which surgeons call "the anastomosis"—is much harder to do on a beating heart. Devices that automate the process could make beating-heart surgery much less challenging and potentially more popular.

"The only reason you put a patient on a pump is to accommodate the guy tying the knots," says St. Jude's Daniel J. Sullivan, the aortic connector's chief inventor. "We're the first ones to go after the sewing process as an issue."

In addition, proponents say, mechanical connectors could make bypass surgery safer by reducing the risk of stroke and other neurological side effects that recent studies have linked to the operation. In February, Duke University researchers reported that 42% of bypass patients suffer such problems as loss of memory, confusion and inability to pay attention for as long as five years after the surgery. About 3% of bypass patients suffer a debilitating stroke as a result of the procedure. Some doctors say a connector could help doctors avoid clamping the aorta, a step in the surgery that is believed to be a key cause of such brain damage.

Another potential benefit: consistency of surgical results. "Hand-sewn bypass grafts are irregular. Every one is a little different," says Robert Emery, a Minneapolis heart surgeon who served as a paid consultant to St. Jude in developing its device. "With this thing, every one is the same."

St. Jude isn't alone in seeing a big opportunity for such technology. Johnson & Johnson, in a venture with Bypass Inc., of Israel, has tested a "suture-less anastomotic device" in small-scale human trials. J&J says it has begun discussions with the FDA about what would be required to gain approval. Tyco International Ltd.'s U.S. Surgical unit and Abbott Laboratories' Perclose unit both are developing mechanical connectors, as are several smaller closely held companies.

"A lot of people think this is going to be a big deal in coronary surgery," says Dr. Emery.

In the U.S., St. Jude plans to sell its new device only to hospitals whose surgeons have been trained in its use. As a result, the company, which had \$1.18 billion in revenue last year, is projecting to sell only a few million

dollars worth of the connectors this year. In years ahead, St. Jude hopes the devices will become a major contributor to its revenue and profit growth.

The St. Jude product includes a cutter that makes a round hole in the aorta for attaching the replacement vessel, rather than the jagged opening left by the punch that surgeons now typically use for that job. The wire rivet that the device deploys is made of a stable metal and is designed to expand slightly to fill the hole as it clamps the vessel to the aorta.

But St. Jude must persuade surgeons that the device will match or improve on the success rate of conventional bypass surgery. Death rates from the procedure are only about 3% at most hospitals. For the vast majority of patients, the surgery is an effective treatment for angina, the severe chest pain caused by blocked coronary arteries. And it could take several years to show whether mechanical vein attachments are as durable as sewn ones.

Even the product's fans say that its cost could be a deterrent, because issuers usually pay doctors and hospitals a fixed amount for bypass operations. St. Jude plans to charge between \$400 and \$450 for the single-use devices. Assuming a full line of connectors becomes available, that could add more than \$2,000 to the cost of a typical bypass operation. St. Jude says that shorter operating times and other savings will partly offset the additional cost.

A device that diminishes the value of a surgeon's suturing skills could be hard to sell to some members of a profession in which "good hands" are a hallmark of stature. "Doing the anastomosis is the essence of our specialty," says David Fullerton, chief of cardiothoracic surgery at Northwestern Memorial Hospital in Chicago. During his decade of surgical training, Dr. Fullerton says he would hone his technique during off hours by tying surgical knots in his shoelaces, and by slicing open chicken breasts and sewing them up before popping them on the grill.

"For most of us, it took so much effort to acquire these skills, we're reluctant to give them up," he adds.

That isn't to say that St. Jude's device will banish sutures from the operating room anytime soon. For one thing, the new connector is designed only for attaching saphenous veins—replacement blood vessels that are harvested from a patient's leg—and then only to attach the end of the vein upstream from the blockage being bypassed. For now, surgeons who use the device will need to stitch the other end of the vein to an artery on the heart, below the obstruction.

St. Jude is at work on a second device to make this lower, or distal, connection. That's a trickier task for the surgeon because there the diameter of the leg vein is typically much wider than the vessel it is being connected to, requiring special care to make sure the anastomosis doesn't leak. In addition, that graft, which typically can take a surgeon 10 minutes to 15 minutes to complete, often must be connected to harder-to-reach areas on the side or back of the heart.

In Berne, Dr. Carrel and his colleague Friedrich Eckstein have used St. Jude's distal connector in about 20 patients so far, with encouraging results. St. Jude says it hopes to have this second device on the market in the U.S. by mid-2002. Amount other things, it is designed to eliminate the problem of mismatched vessel diameters.

Another model the company is developing

pumping chamber. Still another version of the device is aimed at the growing Sullivan of surgeons. In the FY 2002 budget there are significant increases in spending for Veterans programs, including a 16-percent increase in mandatory spending, and in new funds for the G.I. bill.

St. Jude is counting on the line to transform it into a major player in the cardiac-surgery market. The company has long dominated the heart-valve market, and it also sells devices that combat heart-rhythm irregularities. But in the late 1990s, its executives launched a search for new technologies that promised future growth.

That search led to St. Jude's surprise announcement a year and a half ago that it was acquiring Vascular Science Inc., a closely held Minneapolis company that developed the connector under Mr. Sullivan's leadership. St. Jude paid \$80 million for VSI and agreed to pay an additional \$20 million if the newly acquired unit met certain development goals. But though the acquisition substantially diluted its earnings, St. Jude largely kept mum about what it was buying.

"We didn't want Guidant, Medtronic, Boston Scientific and every cab driver in New York making these things," says Terry L. Shepherd, St. Jude's president and chief executive, referring to rivals in the heart-device business.

Some doctors who are impressed by the device believe it won't win broad acceptance until a distal connector is available, so that surgeons can do both ends of their grafts without sutures.

However, St. Jude believes there is a robust market for the aortic connector alone, thanks in large part to its potential for reducing neurological side effects from surgery. During conventional bypass operations, when the heart is stopped, doctors clamp off the aorta to keep blood from backing up into the heart. But in patients with clogged coronary arteries, the aorta is often diseased too. That means its lining is layered with plaque, much like a rusty pipe. When the aorta is clamped, some of this gunk can be dislodged. When the clamp is released, the debris is picked up in the blood stream and can get carried to the brain.

"You get an old guy whose vessels look like a Drano commercial, and sometimes you hear an audible crunch" when the clamp is applied says David Stump, a researcher at Wake Forest University, in Winston-Salem, N.C., who has studied the neurological side effects of heart surgery.

Material dislodged by clamps is believed to be one of the chief causes of brain-related side effects in bypass patients. In extreme cases, it can cause a major stroke, or even death. Just how serious and lasting the effects are depends on where in the brain the debris ends up, says Dr. Stump.

During beating-heart surgery, blood continues to flow through the aorta. But doctors use what they call a side-bite clamp to pinch off a portion of the vessel to stabilize the site for stitching. That, too, entails a risk of dislodging debris, and other complications. But with the connector, doctors will be able to connect vessels quickly enough to make such clamps unnecessary.

"The first and immediate impact of the St. Jude device is that you don't have to put a clamp on the aorta," says Michael Mack, a Dallas heart surgeon with no financial connection to the company. "That eliminates a potential source of stroke."

Whether that will prompt widespread use of the device is hard to gauge. Neurological problems can be caused by factors other than clamps, and St. Jude doesn't have any data as yet to demonstrate whether its device indeed cuts the risk of stroke or cognitive impairments. But with the neurological issue getting fresh attention, many doctors may not feel inclined to wait for hard data. "If you have a patient with a brain problem after an [otherwise] uncomplicated operation, that is disastrous," says Dr. Carrel, the Swiss heart surgeon.

Still, Mr. Sullivan and others believe that the new technology will lay the groundwork for their original plan, eventually enabling doctors to do bypass surgery without cracking open the patient's chest.

Still, Mr. Sullivan and others believe that the new technology will lay the groundwork for their original plan, eventually enabling doctors to do bypass surgery without cracking open the patient's chest.

MEMORIAL DAY 2001

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to share some thoughts, as we gather this weekend around our congressional districts to commemorate all those who made the ultimate sacrifice for all of us in the name of liberty.

It is appropriate that we take time out of our busy lives to remember all those whose fates are still unknown, and to thank all those who continue to carry our Nation's torch of freedom on the battlefield, on the seas, and in the air, throughout the world, so that we in America may continue to enjoy the full fruits of our liberties . . .

Memorial Day is a time for all Americans to honor our fallen heroes, our Veterans and our dedicated service men and women who are serving in peacekeeping missions in troubled areas throughout the world.

On Memorial Day, I will be participating in numerous Veterans observances throughout my 20th Congressional District, including the Castle Point VA Hospital, the American Legion Post #199 Memorial Day Parade; and the Memorial Day Parade at the Village of Florida by Post #1250.

Other events include the dedication of the Frederic Malek Tennis Courts at the U.S. Military Academy at West Point. Frederic Malek, a West Point graduate, 1959, served as an airborne ranger attached to the Special Forces in Vietnam. Mr. Malek continued to serve his country in key roles for three presidents as Deputy Under Secretary of the Department of Health, Education and Welfare, as Deputy Director of the Office of Management and Budget and as Director of the 1990 Summit of Major Industrialization.

Historian Barbara Tuchman stated: "War is the unfolding of miscalculations . . ."

Remembering our heroes of the past, reminds us not to make any miscalculations that could lead to any future war:

Miscalculations . . . of our being perceived as being weak; of allowing our defenses to atrophy; of neglecting America's best interests; of ignoring the needs of our Veterans and those who continue to serve today.

Our 107th Congress, under the leadership of President Bush, is working to ensure that our Veterans will have the support they deserve . . .

THE UNITED NATIONS HUMAN RIGHTS COMMISSION: IS IT ANY LONGER WORTH SEEKING MEMBERSHIP?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. BEREUTER. Mr. Speaker, the editorial following from the May 23, 2001 edition of the Omaha World-Herald raises very important and pertinent questions about the relevancy of the United Nations Human Rights Commission (UNHCR) upon which the United States recently lost its membership. As this member said to U.N. Secretary General Kofi Annan yesterday during his meeting with the House Committee on International Relations, the UNHCR increasingly seems to have become a haven for some countries with the worst human rights records in order to ward off criticism and further manned by other countries which are all too willing to table the consideration of resolutions concerning countries with such human rights records because their less than courageous vote may avoid the loss of export markets.

Mr. Speaker, as this member said to the Secretary General and House colleagues perhaps the major emphasis of the Congress and the United States is to demand a fundamental re-orientation of the UNHCR and to find other

ways to use American resources and clout in the advancement of human rights.

[From the Omaha World-Herald]
U.N. ENTITY COURTS IRRELEVANCE

It's been interesting to note the reactions of various groups of Americans to a U.N. committee's vote to remove the United States from the United Nations Human Rights Commission.

A writer for the liberal Nation magazine used the incident to go off on a riff about America the Arrogant. "A little more self-criticism and a lot less self-righteousness would go a long way," he wrote in a passage the irony of which is compounded by the fact that U.S. reelection hopes were aborted by such humble, self-effacing nations as France and China.

Another columnist suggested that maybe America was being punished for its Cold War practice of backing unsavory dictatorships that happened to be anti-communist. If so, that would be a double standard, too, considering what China was up to during some of those same Cold War years.

The New York Times editorial page said the Bush Administration was caught by surprise, apparently because it thought it had the votes locked up. The Times appropriately recommended that the administration find out who betrayed it. Knowing who broke promises of support may be useful later, the Times suggested.

The Washington Post, forthrightly torpedoing Sen. John Kerry's approving claim that the action was related to U.S. rejection of the Kyoto Protocols, pointed out that China has been steamed because of American criticism of that country's abysmal human

rights record. The Post said the United States was done in by China, Cuba and French diplomats who were trying to curry favor with African dictators. The Arab world also resents the United States for siding with Israel in a number of U.N. confrontations.

Additional action by the subcommittee a few days ago provided insight into the prevailing thought process. Having denied continued membership to the United States, some members of the voting panel have turned their attention to private organizations that maintain United Nations accreditation to promote human rights. The Washington Times reported that some of these groups are now in danger of losing their credentials.

They include Freedom House, founded by Eleanor Roosevelt to monitor freedom around the world, and the Simon Wiesenthal Center, which tracks down and exposes perpetrators of the Holocaust who have tried to hide their past.

The time is ripe, it seems to us, for the little boy to stand up and say that the emperor has no clothes. If the likes of Cuba and China, or haters of Israel, are setting the moral tone in the dealings of this commission, there can be no moral tone to speak of, and serious-minded diplomats lower themselves to take its yammerings seriously.

Generations of Americans have been raised with the notion that the United States, by failing to get on board the League of Nations in 1920, weakened an institution that might have prevented World War II. Accordingly, active participation in the United Nations, the League's successor, has been regarded a

sort of sacred responsibility since 1945, as well it should continue to be.

And, indeed, the U.N. has done considerable good, with its peacekeeping and relief operations as well as its provision of a forum for talking about things—including human rights—that in earlier decades might have ignited conflict.

However, Americans shouldn't expect that their interests will always coincide with those of the global organization and all its various commissions, agencies and committees. We and our government should be prepared to accommodate divergences, using whatever means are consistent with our national interest and, secondarily, the interests of the world community.

What happened on the Civil Rights Commission, though, was not a divergence of interests, as that term is commonly used. It was more like a wholehearted plunge into irrelevance. This is not a situation that calls for American self-loathing. Until the people who are driving the commission regain their moral bearings, to heck with them.

PERSONAL EXPLANATION

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 25, 2001

Mr. HAYWORTH. Mr. Speaker, on rollcall No. 126, I was detained due to flight delays. Had I been present, I would have voted "yea."

Daily Digest

HIGHLIGHTS

Senate confirmed the Tax Relief Reconciliation Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S5767–S5803

Measures Introduced: Three bills were introduced, as follows: S. 979–981. **Page S5798**

Measures Passed:

Adjournment Resolution: Senate agreed to H. Con. Res. 146, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Page S5802

Tax Relief Reconciliation—Conference Report: By 58 yeas to 33 nays (Vote No. 170), Senate agreed to the conference report on H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, clearing the measure for the President.

Pages S5770–96

Authority for Committees: All committees were authorized to file executive and legislative reports during the adjournment of the Senate on Friday, June 1, 2001, from 10 a.m. until 12 noon.

Page S5801

Appointments:

Commission on Indian and Native Alaskan Health Care: The Chair, on behalf of the Majority Leader, pursuant to Public Law 106–310, announced the appointment of the following individuals to serve as members of the Commission on Indian and Native Alaskan Health Care: Buford L. Rolin, of Alabama, and Jimmy Wallace, of Mississippi.

Page S5802

Parents Advisory Council on Youth Drug Abuse: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–277, announced the appointment of Kerrie S. Lunsford, of Georgia, to serve as a member of the Parents Advisory Council on Youth Drug Abuse for a one year term.

Page S5802

Advisory Committee on the Records of Congress: The Chair, announced, on behalf of the Majority Leader, pursuant to Public Law 101–509, the appointment of Michael B. Ballard, of Mississippi, to the Advisory Committee on the Records of Congress.

Page S5802

Coordinating Council on Juvenile Justice and Delinquency Prevention: The Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, announced the appointment of Lenore L. Prather, of Mississippi, to serve for a one-year term as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice Michael W. McPhail.

Page S5802

Authority To Make Appointments: A unanimous-consent agreement was reached providing that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Page S5802

Nominations Confirmed: Senate confirmed the following nominations:

David Aufhauser, of the District of Columbia, to be General Counsel for the Department of the Treasury.

John B. Taylor, of California, to be an Under Secretary of the Treasury.

Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency.

Peter F. Allgeier, of Virginia, to be a Deputy United States Trade Representative, with the rank of Ambassador. (Prior to this action, Senate discharged the Committee on Finance from further consideration.)

Claude A. Allen, of Virginia, to be Deputy Secretary of Health and Human Services.

Linnet F. Deily, of California, to be a Deputy United States Trade Representative, with the Rank of Ambassador. (Prior to this action, Senate discharged the Committee on Finance from further consideration.)

David S.C. Chu, of the District of Columbia, to be Under Secretary of Defense for Personnel and Readiness.

Arthur F. Rosenfeld, of Virginia, to be General Counsel of the National Labor Relations Board for a term of four years. (Prior to this action, Senate discharged the Committee on Health, Education, Labor, and Pensions.)

Pages S5802, S5803

Messages From the House: Page S5797

Statements on Introduced Bills: Page S5798

Additional Cosponsors: Page S5798

Additional Statements: Page S5797

Record Votes: One record vote was taken today. (Total—170) Page S5796

Adjournment: Senate met at 10 a.m. and, pursuant to the provisions of H. Con. Res. 146, adjourned at 12:54 p.m., until 12 noon, on Tuesday, June 5, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5802.)

Committee Meetings

No committee meetings were held.

House

Chamber Action

The House was not in session today.

Committee Meetings

No committee meetings were held.

Joint Meetings

TAX RELIEF RECONCILIATION

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 5, 2001

Senate

No committee meetings are scheduled.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of June 4 through June 9, 2001

Senate Chamber

To be announced.

Senate Committees

To be announced.

House Chamber

To be announced.

House Committees

To be announced.

Next Meeting of the SENATE

12 noon, Tuesday, June 5

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, June 5

Senate Chamber

Program for Tuesday: Senate will be in a period of morning business.

(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Abercrombie, Neil, Hawaii, E992
 Barrett, Thomas M., Wisc., E990
 Becerra, Xavier, Calif., E992
 Bereuter, Doug, Nebr., E996
 Buyer, Steve, Ind., E993
 Chambliss, Saxby, Ga., E985, E986, E988
 Conyers, John, Jr., Mich., E991
 Costello, Jerry F., Ill., E994
 Gilman, Benjamin A., N.Y., E996

Hayworth, J.D., Ariz., E997
 Hilleary, Van, Tenn., E990
 Hoyer, Steny H., Md., E985, E986
 Jones, Walter B., N.C., E989
 Kanjorski, Paul E., Pa., E991
 Knollenberg, Joe, Mich., E994
 Lee, Barbara, Calif., E994
 Maloney, James H., Conn., E985, E987, E988
 Manzullo, Donald A., Ill., E989
 Pascrell, Bill, Jr., N.J., E994
 Pastor, Ed, Ariz., E992

Pelosi, Nancy, Calif., E985, E987, E988
 Pitts, Joseph R., Pa., E993
 Ramstad, Jim, Minn., E994
 Rogers, Mike, Mich., E986, E987
 Shaw, E. Clay, Jr., Fla., E988
 Spratt, John M., Jr., S.C., E991
 Thompson, Mike, Calif., E990
 Udall, Tom, N.M., E986, E987
 Watkins, Wes, Okla., E993



Congressional Record

The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512-1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$197.00 for six months, \$393.00 per year, or purchased for \$4.00 per issue, payable in advance; microfiche edition, \$141.00 per year, or purchased for \$1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to (202) 512-1800, or fax to (202) 512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.