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Senate

The Senate met at 11 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

O God of hope, You have shown us that authentic hope always is rooted in Your faithfulness in keeping Your promises. We hear the psalmist's assurance, ''And now, Lord, what do I wait for? My hope is in You.''—Psalm 39:7. We place our hope in Your problem-solving power, Your conflict-resolving presence, and Your anxiety-dissolving peace.

You inspire in us authentic hope in You. We thank You for the incredible happiness we feel when we trust You completely. The expectation of Your timely interventions give us stability and serenity. It makes us bold and courageous, fearless, and free. Again, we agree with the psalmist, ''Happy are the people whose God is the Lord.''—Psalm 144:15.

Today we thank You for the leadership You have given the Senate through TRENT LOTT and DON NICKLES. Now we ask for Your blessing on TOM DASCHLE and HARRY REID as they assume the demanding responsibilities of majority leadership. Grant all of the Senators the gift of loyalty and inspire the spirit of patriotism that overcomes party spirit and the humility that makes possible dynamic unity. You, dear God, are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BARBARA BOXER, a Senator from the State of California, 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2001.

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ELECTION OF THE HONORABLE ROBERT C. BYRD AS PRESIDENT PRO TEMPORE

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows.

A resolution (S. Res. 100) to elect Robert C. Byrd, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States.

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

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 100) reads as follows:

S. RES. 100

Resolved, That Robert C. Byrd, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

NOTIFICATION TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 101) notifying the House of Representatives of the election of a President pro tempore of the Senate.

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

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 101) reads as follows:

S. RES. 101

Resolved, That the House of Representatives be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

(Applause, Senators rising.)

ADMINISTRATION OF OATH TO SENATOR ROBERT C. BYRD AS PRESIDENT PRO TEMPORE

The President pro tempore advanced to the desk of the Acting President pro

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

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tempore; the oath was administered to him by the Acting President pro tempore.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The majority leader is recognized.

NOTIFICATION TO THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DASCHLE. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 102) notifying the President of the United States of the election of a President pro tempore.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Chair hears none, and it is so ordered.

The question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 102) reads as follows:

S. RES. 102

Resolved, That the President of the United States be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

THANKING AND ELECTING STROM THURMOND PRESIDENT PRO TEMPORE EMERITUS

Mr. LOTT. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 103) expressing the thanks of the Senate to the Honorable Strom Thurmond for his service as President pro tempore of the United States Senate and to designate Senator Thurmond as President pro tempore emeritus of the United States Senate.

The PRESIDENT pro tempore. There being no objection to the consideration of the resolution, the question is on agreeing to the resolution.

The resolution was agreed to.

The resolution (S. Res. 103) reads as follows:

S. RES. 103

Resolved, That the United States Senate expresses its deepest gratitude to Senator Strom Thurmond for his dedication and commitment during his service to the Senate as the President pro tempore, further as a token of appreciation of the Senate for his long and faithful service Senator Strom Thurmond is hereby designated President pro tempore emeritus of the United States Senate.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

ELECTION OF MARTIN P. PAONE AS SECRETARY OF THE MAJORITY

Mr. DASCHLE. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 104) electing Martin P. Paone as secretary for the majority of the Senate.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Without objection, the resolution is agreed to.

The resolution (S. Res. 104) reads as follows:

S. RES. 104

Resolved, That Martin P. Paone of Virginia, be, and he is hereby, elected Secretary for the Majority of the Senate, effective June 6, 2001.

Mr. LOTT. Mr. President, I move to reconsider and move to lay the motion to reconsider on the table.

The motion was agreed to.

ELECTION OF ELIZABETH B. LETCHWORTH AS SECRETARY OF THE MINORITY

Mr. LOTT. Mr. President, I send another resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows.

A resolution (S. Res. 105) electing Elizabeth B. Letchworth as secretary for the minority of the Senate.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Without objection, the resolution is agreed to.

The resolution (S. Res. 105) reads as follows:

S. RES. 105

Resolved, That Elizabeth B. Letchworth, of Virginia, be, and she is hereby, elected Secretary for the Minority of the Senate, effective June 6, 2001.

Mr. DASCHLE. Mr. President, I move to reconsider and move to table the motion to reconsider.

The motion was agreed to.

SERVING IN THE SENATE

Mr. DASCHLE. I thank the distinguished Senator from South Carolina, STROM THURMOND, for his service to our country and to this body as President pro tempore.

I offer my hearty congratulations to Senator ROBERT C. BYRD in returning to this high position this morning. Between these two men, the Senate enjoys 90 years of service. The wisdom they have given Members is beyond measure.

I thank my partner, my counterpart, Senator LOTT. This is the second time this year Senator LOTT and I have switched roles. To us, this is just another in a series of challenges he and I have faced already this year. Every time we have been presented with these challenges, we have come through with our working relationship and our friendship not only intact but, in my view, strengthened. It is my hope and my expectation that we will continue to be able to work together in this manner.

Finally, there is another person who deserves special recognition. That is Senator JEFFORDS. Last week, I was deeply touched by Senator JEFFORDS' courageous decision and his eloquent words. The Senator from Vermont has always commanded bipartisan respect because of the work he does. Regardless of where he sits in this Chamber, his work will continue, and America will be better for it.

This, indeed, is a humbling moment for me. I am honored to serve as majority leader, but I also recognize that the majority is slim. This is still one of the most closely divided Senates in history.

We have just witnessed something that has never happened in all of Senate history—the change of power during a session of Congress.

At the same time Americans are evenly divided about their choice of leaders, they are united in their demand for action. Polarized positions are an indulgence that the Senate cannot afford and our Nation will not tolerate.

Republicans and Democrats come to this floor with different philosophies and different agendas, but there are beliefs we share. Both Republicans and Democrats believe in the power of ideas. Both Republicans and Democrats believe in fashioning those ideas into sound public policy. The debate on that policy is what I like to call the noise of democracy. Sometimes it is not a very stereophonic sound. Sometimes there is too much sound from the right or from the left. But it is a sound that, in my view, is beautiful—especially in comparison to the noise of violence we hear in so many places all over the world today.

In this divided Government—in spite of the passion with which we hold these ideas, in spite of the fervor with which we come to the floor to represent them—we are required to find common ground and seek meaningful bipartisanship. As I have said before, real bipartisanship is not a mathematical formula; it is a spirit. It is not simply finding a way to reach 50 plus 1. It is a way of working together that tolerates debate. It means seeking principled compromise. It means respecting the right of each Senator to speak his or her mind and to vote his or her conscience.

In this Senate, at this time, on this historic occasion, each Member has something to prove. We need to prove

to the American people we can overcome the lines that all too often divide us. We need to prove we can do the work the American people have sent us to the Senate to do.

I came to the Congress 22 years ago. I have had the good fortune of having many mentors. My friends know that I often speak of one, in particular, whose advice continues to guide me. His name: Claude Pepper. He was a Congressman from Florida and at one time a Senator in this body. He told me once that, as fervent and as passionate a Democrat as he was, it wasn't really whether one was a ''D'' or an ''R'' that mattered; it was whether one was a ''C'' or ''D''—it was whether one was ''constructive'' or ''destructive'' in the political and legislative process.

I hope I can prove to my colleagues on this side of the aisle that I can be a constructive leader. I hope we all recognize the difference between constructive and destructive politics and legislative work. I hope that we can live up to the expectations of the American people and people such as Claude Pepper.

As we address the agenda this body has before it, I hope we can be constructive Republicans and constructive Democrats.

I thank my colleagues for their trust. I thank my colleagues for their friendship. I am prepared to go to work.

I yield the floor.

The PRESIDENT pro tempore. The Republican leader.

Mr. LOTT. Mr. President, let me first join Senator DASCHLE in expressing my personal appreciation and great admiration to Senator THURMOND, for the job he has done for so many years for the people of South Carolina and, yes, the people of America. Today he is with the President of the United States, in Bedford, VA, for the dedication of a memorial to those who lost their lives in Normandy. As our colleagues know, Senator THURMOND landed at Normandy and served so honorably there. The energy and strength he exhibited in Normandy continues to this very day in the Senate. He is a legend in his own time. We all admire him and appreciate him so much.

Also, I congratulate Senator BYRD for assuming this position of President pro tempore of the Senate. He certainly is going to need no briefing on the rules. He is the paragon regarding the rules of the Senate. He is the guardian of the rules. He certainly knows the rules, and he will administer them fairly and reside in the chair in a way we all will appreciate and admire.

So to you, Senator BYRD and Mr. President, thank you for what you have done and what I know you will do as President pro tempore of the Senate.

I also thank our staff members. There are so many people to recognize who have served the Senate during the period of time I have been majority leader. The officers, those who are here day in and day out, into the night, do such a great job for the Senate, for the Senators, and for our country. To all of you, I express my appreciation. I particularly express appreciation to our staff assistants, Elizabeth Letchworth, who has been secretary of the majority, now secretary of the minority; and to Marty Paone, who has served as secretary of the minority and will be secretary of the majority. They have the answers that we need in the Senate. We can always rely on them as to what the schedule may be, based on what the leaders have told them, and when the votes will occur. They do so much to make our life and our job easier.

But primarily I want to extend my congratulations to my partner and also my friend, TOM DASCHLE, as majority leader. I also extend to him my hand of continued friendship and commitment to work with him for the interests of the American people. I know he will do an excellent job. I think he has set a very positive tone in his opening remarks and I told him so when I congratulated him as we shook hands.

We have worked together over the past 5 years when I have been the majority leader, through some good times and some tremendous legislative achievements and through some tough times. Sometimes we have been criticized for that, but most of the time I think people understood we maintained a working relationship and we did the best we could as we saw our jobs and what we thought was right for the Senate and right for the American people. The good times we will remember and try to repeat. The bad times have already been forgotten. But there have been clear examples of where we have worked together in a bipartisan way for the interests of the American people. It covers the gamut.

It has been on financial issues, on transportation, and on trade. There have been times when we had opposition in our own parties, but we came together because we thought a result was very important.

I know Senator DASCHLE will find, sometimes, the weight of this job will be as heavy as the weight of the Earth Atlas carried on his shoulders. I hope on occasion I can help make that weight a little lighter.

Of course, at some point, he tricked Hercules into assuming that burden, and Atlas was at last relieved of the weight of the world.

I know how he felt. I mention this by way of congratulating Senator DASCHLE on his assuming the august responsibilities that come with being the majority leader of the U.S. Senate.

Perhaps I should mention the remainder of that old story: Hercules managed to trick Atlas, so the poor giant wound up, once again, carrying the Earth as he was fated to do. There probably is a moral in there somewhere about how things not only change, but keep on changing. Things certainly have changed for the better since the American people elected Republican majorities to the Senate and the House in 1995. Back then, deficits stretched further than the eye could see, and Social Security was used as a government piggy bank. The welfare system hurt more people than it helped, high taxes prevented families from enjoying the fruits of their labor, and military readiness was seriously in question.

Those problems were magnified by a bureaucracy that diverted education dollars from our children's classrooms, putting their futures at risk. Today, our hard work enables us to boast of a different story—the story of how Republican initiatives have made a difference by changing things for the better:

Republicans became the catalyst for balancing the budget. We stopped the raid on Social Security. We moved people from welfare to the dignity and independence of work. We lowered taxes for families and for job creation. We began to restore America's military strength. And, we returned education dollars to parents, teachers and communities.

The result? A record-setting economy, higher-paying jobs, record low interest rates, greater investment, more opportunity, and more parents involved in schools. Many landmark achievements were accomplished through bipartisan cooperation: the balanced budget, welfare reform, the Soldiers' Bill of Rights, juvenile justice reform, education reform, safe drinking water, a minimum wage increase combined with small business tax relief, and ISTEA—the legislation that is dramatically modernizing our transportation infrastructure, Air 21, and financial services modernization.

Add to that our defense modernization, the Caribbean Basin Initiative, the Africa Free Trade bill, and telecommunications reform. We accomplished many difficult things together in a bipartisan way—in good times, as well as in seemingly impossible times of gridlock. I am hopeful that there will be more of those good times when we can do so again. I know that the distinguished majority leader does not need any advice on this occasion. But I do remember that I never believed as majority leader I could work my will with the Senate, unless it was a coalition of wills.

From the very first, I have never gotten all that I asked for: I certainly did not get all the tax cuts we wanted for the American people. But I accepted what we could get and determined to come back and try again for more the next time. It is true that Senate Democrats will now set the schedule for this body. But any group of 49 Senators is an exceptionally strong minority. Each of those Senators looks forward to exercising all the rights of the minority to advance President Bush's and the people's agenda in the months ahead.

We will be vigilant in protecting and improving social security and medicare. We will craft an energy policy to respond to the crisis that threatens our economy and qualify of life. We will create the world's best schools by empowering local school districts which

are accountable to parents. Too much money still is being wasted in Washington's education bureaucracy. We will confirm the President's nominations to enable him to run the government he was elected to administer and to provide for a fair and impartial judiciary. We will work to rebuild our nation's defenses because our military is still stretched way too thin for comfort in a dangerous world.

Finally, taxes are still too high, and there is still too much waste in Federal spending. We will continue to work to bring both under control. Our minority status in the Senate—albeit temporary—neither dampens our enthusiasm for building upon our successes, nor excuses us from embracing the challenges ahead. For we did not come to Washington to be caretakers of power. We were sent to the Senate for a specific purpose, as reflected in President Bush's agenda, to: move America forward again by putting people back in charge of their own country; promote economic growth; give all individuals the opportunities to reach for their dreams; strengthen our bedrock institutions of family, school, and neighborhood; and make the United States a stronger leader for peace, freedom, and progress abroad.

For too long, government has supported itself by taking more of what people earn, preventing them from getting ahead, no matter how hard they work. President Reagan called it ''economics without a soul'' and taught us that the size of the federal budget is not an appropriate barometer of social conscience or charitable concern. And that is why the ultimate goal in everything we are working with President Bush to do is to give this economy back to the American people.

Some say it is dangerous to push for dramatic reforms in a period of economic instability. But I believe it is dangerous not to. There may not always be an opportunity. Along with all my fellow Republicans, I say: Our goals have not changed. Neither has our resolve to rally around President Bush to meet them. Our opportunity is today. To my friends on the other side of the aisle: We are here and ready to go to work for the people who elected us to represent them.

Now we have a challenge before us that is different for me and will be different for Senator DASCHLE. Can we come together? Can we find a way to work with this President, President Bush, and find common ground even on the bill that is pending before us now, education? We have said we want education reform and we want a responsible increase in education spending. The American people said they want it, people in every State, as did the President, and so do we. Yet we have not gotten it done.

Can we come together on education? I think we can. It is going to take work. It is going to take some sacrifice. Senator KENNEDY is going to continue to push it aggressively, and he is probably going to have to cast votes he doesn't particularly like, and so am I, and so will Senator GREGG. But can we do any less? Can we afford not to, finally, make progress on education reform and take some steps for the Federal Government to be of help in improving education in America? I believe we can do it. It may take a little more time, but that will be our first test. I pledge to work with the managers and with Senator DASCHLE to make that happen.

We have a lot of other important issues we are going to have to deal with this year. Senator DASCHLE noted yesterday we have 13 appropriations bills and supplemental appropriations bills to do to keep the Government operating, and we have 59 days—estimated I guess—to get it done. It is going to take a pretty good lift. I hope we don't have 100 amendments on every appropriations bill, as we had last year. I hope we can find a way to show fiscal restraint and get these bills done.

Obviously, there are going to be health-related issues. How do we deal with Patients' Bill of Rights? How can we deal with this important question of prescription drugs, to make sure elderly poor get the help they need? Can we come together on Medicare reform? Can we take the lead from Senator Moynihan, the former Senator from New York, on Social Security? Will we be able to really address the energy needs of this country? Will we be taking partisan positions and trying to assess blame? Will we be trying to find how little we can do or can we come together and have a real national energy policy that will, hopefully, help this year but, more importantly, will make sure we do not have this problem in 5 years or 10 years? Defense continues to be something on which we are going to have to focus.

So we have a full agenda. I do not think a lot will change. Senator DASCHLE will get recognized. He will be the majority leader, and I will be minority leader, the Republican leader.

He will call up the bills, and we will take advantage of our rights in the minority to offer amendments, as certainly the other side has. Sometimes we will offer substitutes. But we commit and pledge our best efforts to finding a way to make it work and to pass important legislation to address these issues and find the solutions that are needed by the American people.

It is not about personalities. I still believe that government is about ideas, about issues. So it is not really that important in what role we serve. What is important is what do we do for the people we serve, what legacy will we leave for the next generation.

I believe we can get it done. We have a lot of work to do. Let's get started. I again pledge to you my support and cooperation, Senator DASCHLE. I yield the floor.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, for the information of all Senators, it is my expectation and hope we can resume the consideration of the Elementary and Secondary Education Act. As some of my colleagues may recall, under a previous order there will be 20 minutes of debate remaining on the Wellstone amendment regarding testing and then we expect a vote at the expiration of that period of time.

Senator COLLINS has an amendment regarding a study which will be considered after the Wellstone amendment. The Collins amendment will not require much debate.

The PRESIDENT pro tempore. May we have order in the Senate.

Mr. DASCHLE. It is my expectation the Collins amendment will not require a great deal of debate, so Members should be alerted that a second vote will be expected shortly after the Wellstone vote.

Yesterday the managers made some progress on the bill. At least 10 amendments were cleared by unanimous consent, and I understand the managers expect to clear other amendments today.

I also say to my colleagues who have amendments to this bill to contact the bill managers so they can continue to move forward in working through the remaining amendments. My hope and expectation is that we can complete action on this bill next week.

At some point—preferably this week—we will take up the organizing resolution. But I will have more to say about that at a later date.

I yield the floor.

RESERVATION OF LEADERSHIP TIME

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

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum for just a few minutes, and I ask unanimous consent that the time be charged to the other side.

The PRESIDENT pro tempore. Is there objection?

Mr. GREGG. No.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

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

Pending:

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

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

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

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

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Wellstone/Feingold modified amendment No. 465 (to amendment No. 358), to improve the provisions relating to assessment completion bonuses.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Bond modified amendment No. 476 (to amendment No. 358), to strengthen early childhood parent education programs.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

AMENDMENT NO. 465, AS MODIFIED

Mr. GREGG. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 16 minutes remaining, and the Senator from Minnesota has 7 minutes 45 seconds.

Mr. GREGG. Madam President, I hope we can proceed without a vote on this amendment. But as long as we are going to vote, let me raise some concerns about it.

This amendment comes down on the side of political correctness. One of the biggest problems we are seeing today in the whole issue of how we structure our educational system is that it is becoming extraordinarily subjective in the area of testing. The President has proposed a fair and objective approach where kids in the third grade, fourth grade, fifth grade, and sixth grade are tested on key issues involving English and mathematics in an objective manner.

This amendment essentially opens the door to the opportunity for the Secretary of Education—whoever that Secretary might be—or for States, depending on how this gets interpreted, to basically create a qualitative test based on subjectivity. It is no longer an issue of whether you know how to add 2 and 2; it is an issue of whether or not new math means 2 and 2 and should be added correctly. It is no longer an issue of whether or not English involves the King's English or English as defined by Webster's Dictionary; it becomes a question of whether or not English maybe should be created in different terminology for certain groups of folks who maybe don't speak English quite as well and therefore need a different type of English in order to pass a test.

''Qualitative'' is a very subjective term. This amendment, although not definitively defective, creates the opportunity for significant harm down the road if it is carried forward to its full potential.

So I am going to oppose it. I suspect it will pass because it has the name ''quality'' on it. But I am going to oppose it because I am very tired of political correctness being introduced into our educational system. I think it is especially inappropriate at the level of mathematics and English in the early grades of our educational system.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will take a few moments. I am a little confused by my colleague's remarks.

This amendment just says that we want to have a bonus go to the States that develop high-quality assessments as determined by peer review. We have peer review of everything. It says nothing about qualitative. It tells no State and no school district how to do a mathematics test. I have been a teacher and educator for 20 years. That is not what this is about at all. This amendment just says, first of all, that every State has to implement these tests on time. We make it clear. But the second thing it says is, rather than putting an incentive on rushing, we also want to encourage high-quality tests.

I draw on all of the professional literature and I draw on what the Secretary said about high-quality tests. They are comprehensive, with multiple measures. What are they? In addition to comprehensive, they are coherent so our school districts know they will be able to have tests related to the curriculum that is being taught—not some national simple jingo, multiple-choice test. What are they? They are continuous.

I am really saying let's not penalize any State that wants to go forward and do the very best job of putting together high-quality tests. That is what States want to be able to do. That is what we are hearing. All of the articles that have been coming out all over the country in almost every State say if you are not careful, you have tests which aren't even correct, and then mistakes are made; kids pay consequences; schools pay consequences; and teachers pay consequences.

We have quotes from people who have been leading the test movement: Robert Schwartz, president of Achieve, Incorporated, and the independent panel review of title I that just issued a report. And what do they say? They are saying: Look, we have to make sure that we don't have people rushing to attach consequences to tests until we get the tests right.

What are they saying? They are saying: Accountability for student progress is only as good as the tools used to measure student progress.

That is what we are talking about, having high-quality tests, having a bonus system that goes to States which move forward with high-quality testing. It couldn't be more simple. It couldn't be more straightforward. It doesn't micromanage. It doesn't tell anybody how to do a mathematics test. I never would dream of doing that.

I reserve the remainder of my time.

Mr. GREGG. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire retains 6 minutes 45 seconds.

Mr. GREGG. And the Senator from Minnesota?

The PRESIDING OFFICER. Five minutes 15 seconds.

Mr. GREGG. Who is the time being charged to now?

I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. KENNEDY. Madam President, will the Senator be good enough to yield me 3 minutes?

Mr. WELLSTONE. I am pleased to.

Mr. KENNEDY. Madam President, I rise in strong support of the Wellstone amendment. I am really kind of disappointed we are not getting, as our first action on the floor of the Senate in our new atmosphere, broad support for what is a very basic and fundamental and sensible and responsible amendment to assure that we are going to have the development of quality tests. That is all prior to the time that you get the bonus.

We have all seen this in one of the national newspapers—it happens to be the New York Times—with two front page stories over the period of May 20, just before the Memorial Day break. Let me just refer to what happened in New York City with the application of a test for some of the children there:

> The law's ''unrealistic'' deadlines, state auditors said later, contributed to the numerous quality control problems that plague the test contractor, Harcourt Educational Measurement, for the next two years.

This is a company that has a 99.9 percent accuracy rate, and we still had tens of thousands of children who did not graduate. We had the dismissal of

principals, the dismissal of teachers, and numerous children who failed to go to college.

All we are asking for is that the tests that are going to be developed be quality tests. And there are standards on how those are to be reached. For example, as the Senator from Minnesota pointed out yesterday, one of the very responsible nonprofit organizations called Achieve has done evaluations of various tests in various States. They have identified, for example, the States that are not just giving off-the-shelf testing but those that are really testing the child's ability to think through a problem and reflecting that in the form of exams.

We are seeing as a result of that the rise in terms of achievement and accomplishment by these children. That is what is basically being asked for by the Senator from Minnesota. I think many of us have seen—as has been stated to me by the Senator from Minnesota, the Senator from Washington, and others, over the period of the last 24 hours, and over the period of the Memorial Day recess—the concern that many parents have about how the tests are being used in schools, in school districts, and how teachers are just teaching to the test rather than really examining the ability of children to really process the knowledge they are learning and reflect it and respond in terms of the tests.

I want to mention, just finally, this costs something for the States. You can get a quick answer on a Stanford 9. That might cost you $8 or $9 for a test. A more comprehensive test may cost as much as $25. But nonetheless, we believe if we are to achieve what this President has said he wants to achieve—and that is to use the tests to find out what the children don't know, so we can develop the curriculum and the support and the help for those children—let's make sure that it is going to be quality. That is what the Senator from Minnesota is trying to do.

I hope his amendment will be accepted.

Mr. GREGG. Madam President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire retains 6 minutes 45 seconds. The Senator from Minnesota retains 1 minute 49 seconds.

Mr. GREGG. I simply point out, this amendment is one of a series of amendments that the Senator from Minnesota is proposing to deal with testing. And the Senator from Minnesota has never been shy—he is never shy on anything—he has certainly not been retiring or shy in his opposition to the testing regime in this bill.

The testing regime in this bill is the core of the bill. The President has suggested that if we are going to have effective accountability in this country, we must have an effective evaluation of what children are being taught and what they are learning by grades so we don't leave children behind. He suggests that be disaggregated so there is no group that will be left out or normed in and overlooked. So testing is critical to this bill.

This is not the most egregious amendment the Senator from Minnesota has proposed in this area. No. In fact, in the spirit of cooperation, I suggested we simply take it. But the Senator from Minnesota decided he wanted a vote. So I think it should be openly debated because the amendment has some serious problems down the road, unless it is fixed. The reason I was willing to take it is because I assumed it would be fixed in conference. It will be a problem for the testing regime.

The issue on testing, as has been highlighted—in fact, the Senator from Minnesota made the case—the issue on testing is whether or not we are going to set up a politically correct regime or one that actually tests kids to evaluate whether they know what they are supposed to know or whether we are going to set up a standard that essentially dumbs down, essentially takes the median and, when it isn't met, decides to drop it.

The bonus system is a critical part of that. The President's bonus system is in the bill and is structured in a way that the States get a bonus if they come on line with a good test early. The Senator from Minnesota is trying to gut that in this amendment. That is part of the first step of gutting the whole concept of quality testing.

So from my standpoint, this amendment, although not fundamentally bad, moves us in the wrong direction and therefore should be opposed. I would have been happy to try to rewrite it and make it more effective in conference, but the Senator from Minnesota wants a vote on it. Let's vote on it. It may be adopted, but I am certainly going to vote against it because I do not support political correctness as an element of our test regime.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. In the time I have left, first of all, I want my colleagues to know I am all for accountability. I have never taken a position that we should not have accountability. The question is, How we do it?

I have drawn from everybody in the testing field. I have drawn from all the people in the States. I have drawn from all the people who are doing this work. And they are all saying: Let's make sure the bonus incentive goes to the States for doing the assessments as well as possible as opposed to doing the assessments as fast as possible.

This is just a commonsense amendment. This has nothing to do with political correctness. I think this really adds to the strength of the bill. Again, the truth is, the accountability is only as good as the assessment of the children, of the students. Let's make sure we have the best assessment. Let's make sure it is comprehensive, that there is more than one measurement. Let's make sure there is coherence and that the teachers don't have to teach to the test but that the tests are actually measuring the curriculum that is taught in our school districts and in our States. And lets's make sure it is continuous and we can look at the progress of the child. This is the best amendment that, frankly, strengthens this bill.

Right now, I say to my colleague from New Hampshire, I am wearing my very pragmatic hat and trying to get this legislation to be a better piece of legislation. The reason I want to have a vote on this amendment is because this whole issue of testing is important. I want as many Senators as possible to go on record for high-quality testing.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from Minnesota retains 14 seconds.

Mr. WELLSTONE. I make my final 14-second plea for colleagues to have good, strong support for this amendment. It is a very good amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire retains 4 minutes 14 seconds.

Mr. GREGG. Madam President, I point out that there has been some representation that the President's initiative in the area of testing is not adequate. In the financial area of supporting the testing regime in this bill, there is $2.8 billion committed for testing over the term of the bill. That is 7 years.

Equally important, what we should point out is that what we are adding are three new tests to the regime that was put in place back in 1994 when the reauthorization of ESEA occurred. We then required that States test in three grades. At that time, when we required as a Federal Government that States test in three grades—when the President was from the other party and the Congress was controlled by the other party—we put no money on the table for the purposes of supporting the States as they did that testing.

We are now asking that the States do an additional 3 years of testing on top of the three that are already required, and we are putting on the table a dramatic increase in funding—$2.8 billion over that period.

But I would come back to the basic point of this amendment. This amendment's goal is to undermine the bonus system necessary to create the incentives to put in place a testing regime that will actually evaluate whether or not kids can succeed or not succeed.

It is part of a sequential event of amendments, the goal of which, in my humble opinion, is to undermine the whole testing regime concept. As I have said before, if we start creating a subjective or national testing regime—either one—we end up undermining the

capacity to deliver effective tests that evaluate kids and what they are doing in relationship to other kids versus evaluating what some educational guru decides is the new math or the new English.

I yield back the remainder of my time. I believe we are ready to vote.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. WELLSTONE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 465, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. THURMOND), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote ''nay.''

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

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—57

Akaka	Dayton	Lieberman
Baucus	DeWine	Lincoln
Bayh	Dodd	Mikulski
Biden	Dorgan	Miller
Bingaman	Durbin	Murray
Boxer	Edwards	Nelson (FL)
Breaux	Feingold	Nelson (NE)
Byrd	Feinstein	Reed
Cantwell	Graham	Reid
Carnahan	Harkin	Roberts
Carper	Hollings	Rockefeller
Chafee	Inouye	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Snowe
Cochran	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Torricelli
Corzine	Leahy	Wellstone
Daschle	Levin	Wyden

NAYS—39

Allard	Gramm	McCain
Bennett	Grassley	McConnell
Bond	Gregg	Murkowski
Brownback	Hagel	Nickles
Bunning	Hatch	Santorum
Burns	Helms	Sessions
Campbell	Hutchinson	Shelby
Craig	Hutchison	Smith (NH)
Domenici	Inhofe	Smith (OR)
Ensign	Jeffords	Stevens
Enzi	Kyl	Thomas
Fitzgerald	Lott	Thompson
Frist	Lugar	Voinovich

NOT VOTING—4

Allen	Thurmond
Crapo	Warner

The amendment (No. 465), as modified, was agreed to.

Mr. WELLSTONE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

Mr. KENNEDY. The Senator from Maine has a very important amendment. She is entitled to be heard. It is on the subject of testing, which we have been discussing. The membership should listen to her presentation. I ask that the Senate be in order.

The PRESIDING OFFICER. The Senator from Massachusetts is correct. The Senate will please come to order.

AMENDMENT NO. 509, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of amendment No. 509, submitted by the Senator from Maine, Ms. COLLINS.

Ms. COLLINS. I thank the Presiding Officer, and I thank the Senator from Massachusetts.

On behalf of myself and the Senator from North Dakota, Mr. CONRAD, as well as the Senator from Nebraska, Mr. HAGEL, I send a modification of amendment No. 509 to the desk.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection to the modification of the amendment?

Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine (Ms. COLLINS) for herself, Mr. CONRAD, and Mr. HAGEL, proposes an amendment numbered 509, as modified.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a study of assessment costs)

On page 778, between lines 3 and 4, insert the following:

''SEC. 6202A. STUDY OF ASSESSMENT COSTS.

''(a) STUDY.—

''(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the costs of conducting student assessments under section 1111.

''(2) CONTENTS.—In conducting the study, the Comptroller General of the United States shall—

''(A) draw on and use the best available data, including cost data from each State that has developed or administered statewide student assessments under section 1111 and cost or pricing data from companies that develop student assessments described in such section;

''(B) determine the aggregate cost for all States to develop the student assessments required under section 1111, and the portion of that cost that is expected to be incurred in each of fiscal years 2002 through 2008;

''(C) determine the aggregate cost for all States to administer the student assessments required under section 1111 and the portion of that cost that is expected to be incurred in each of fiscal years 2002 through 2008; and

''(D) determine the costs and portions described in subparagraphs (B) and (C) for each State, and the factors that may explain variations in the costs and portions among States.

''(b) REPORT.—

''(1) IN GENERAL.—The Comptroller General of the United States shall, not later than May 31, 2002, submit a report containing the results of the study described in subsection (a) to—

''(A) the Committee on Appropriations of the House of Representatives and the Subcommittee on Labor, Health and Human Services, and Education of that Committee;

''(B) the Committee on Appropriations of the Senate and the Subcommittee on Labor, Health and Human Services, and Education of that Committee;

''(C) the Committee on Education and the Workforce of the House of Representatives; and

''(D) the Committee on Health, Education, Labor, and Pensions of the Senate.

''(2) CONTENTS.—The report shall include—

''(A) a thorough description of the methodology employed in conducting the study; and

''(B) the determinations of costs and portions described in subparagraphs (B) through (D) of subsection (a)(2).

''(c) DEFINITION.—In this section, the term 'State' means 1 of the several States of the United States.

Ms. COLLINS. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

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

Ms. COLLINS. Madam President, I rise today with my colleague, Senator CONRAD, to offer what I believe is the first bipartisan amendment since we have seen the change in control of the Senate. We are offering an amendment that will help Congress ensure that it provides States with an appropriate level of funding to develop and administer the student assessments that will be required under the BEST Act.

As do many of my colleagues, I want to make sure the Federal Government pays for its fair share of the costs associated with the assessment requirements of this important legislation. However, critical though it is that we have a system to determine whether or not our children are really learning, no one really understands or knows the cost of these assessments. We cannot see in the future, but the various experts have their own estimates of the assessment costs, and those estimates vary widely. Cost estimates range by orders of magnitude, and yet no comprehensive examination of these costs has yet been undertaken. Thus, we find ourselves in a dilemma of trying to estimate what the costs will be and figuring out the appropriate Federal share, but we really do not know the costs involved.

The amendment which Senator CONRAD, Senator HAGEL, and I offer requires the General Accounting Office to conduct a study of assessment tests and transmit its report to the chairman and ranking members of the House and Senate Appropriations Committees, the Labor-HHS subcommittees, the HELP Committee, and the education and workforce committee.

The report would have to be transmitted to Congress by May 31 of next year. This would provide the opportunity to incorporate GAO's estimates

into our planning for the fiscal year 2003 appropriations cycle.

I also note that the testing requirements of the bill do not become fully effective until the year 2005. Congress would have a full 3 fiscal years to provide funding based on the estimates provided by the GAO.

The GAO study draws upon the best available data, including the cost or pricing data from each State that has already developed and administered statewide student assessments and from the companies that actually develop these tests. For example, the State of Maine has an excellent testing system that is used in three grades. It is well developed; it is of high quality. That will be the kind of information the GAO will gather in determining the cost of these assessments. Other States have taken different approaches to testing and have different costs associated with the tests they are now administering.

The GAO will determine the aggregate costs for all States to develop and administer the assessments required by the BEST Act, and the GAO will estimate how much of these costs will be expected to be incurred in each of the fiscal years 2002 through 2008. The study determines assessment development and administrative costs for each State.

In addition to looking at the aggregate, we want to look at what the experience has been and will be in each State. We have also asked the GAO to examine the factors that help explain the wide variations in the test costs that are now administered by States. This information will help Congress determine whether it is apportioning funds among the States in an equitable manner.

The General Accounting Office is particularly well suited to conduct this study. My staff has had extensive discussions with GAO to determine whether or not they will be able to conduct this important assignment. The GAO has broad experience in estimating the costs of governmental programs and analyzing the Federal Government's role in elementary and secondary education. Indeed, just last year the GAO completed a 50–State study of the title I program, which included an analysis of the efforts of the States to ensure compliance with key title I requirements and to hold local districts and schools accountable for educational outcomes. The GAO, therefore, is the right agency to conduct an impartial, thorough study of assessment costs.

The assessment provisions in the BEST Act are intended to help reach the goal of leaving no child behind. Yesterday, a bipartisan group talked with the President about the education bill. He, once again, very eloquently stated the premise of the bill of making sure that schools are held accountable for the education of each child, of making sure that no child, no matter what the family income or country of origin, is left behind. We want to make sure every child is learning. That is the inspiring goal of this legislation. That is why the President has proposed this assessment process—so we can assess whether or not each child from grades 3 through 8 is learning in the areas of reading and math. The education blueprint we are drafting will work only through a concerted, cooperative effort, where the Federal Government, States, and communities all share responsibility.

Senator JEFFORDS offered an amendment that passed overwhelmingly last month to provide a guaranteed stream of funding to States, beginning in the year 2002, in order to assess the performance of their students. Unless the Federal Government provides the States with $370 million in the year 2002 and an increasing amount in each of the succeeding 6 fiscal years, the assessment requirements in the bill will be delayed. In other words, we are making sure we are matching the requirements with the resources necessary for the Federal Government to help States and local school districts fulfill the requirements of this new legislation.

The BEST Act requires a great deal from our schools and from our States. For the first time, we are requiring accountability in a meaningful way. We are requiring that all students, and in particular our disadvantaged and low-income students, show improvement in their academic achievement from year to year. We need to provide adequate funding to help States develop high-quality assessment tools. At the same time, we just don't want to write a blank check to the testing companies. Such an approach would sap the incentive of companies to develop student assessments efficiently and cost effectively.

The solution is information. We need to have solid, well-researched data to make the best decisions possible when determining funding levels to support the States' testing systems over the next several years.

Now is the ideal time to authorize a thorough study by the GAO to gather the information we need. Since States and local school districts will be in the first year of assessment development and implementation next year, it is the perfect time to gather the critical information on which to base future funding decisions. The GAO report will provide the information we need to make the right decisions based on actual State experience and the best available data and informed projections.

I urge my colleagues to support this reasonable addition to the education reform bill. I urge my colleagues to support the Collins-Conrad amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise in support of the amendment of the Senator from Maine. It is a very appropriate approach to determining how much these tests are going to cost and the best way to address them.

I think it will provide a significant amount of information which will be a welcome addition to the process as we go forward trying to evaluate how best to do these tests and how to keep them from being an extraordinary burden on the States, which is of course our goal.

The President has set up a testing regime which, as I mentioned, is really the key to this whole bill, as far as he is concerned. It is a process by which all children in America will be tested in order to determine whether or not they have succeeded in learning what they should know at the grade level they are presently attending. The object, of course, is to keep track of children and make sure no child is left behind, which is the stated goal of the President and all of us here in this Congress.

In doing that, we are clearly creating a huge new activity in the area of testing. It is appropriate we have this evaluated effectively. The GAO study proposed by the Senator from Maine is the right way to do it. I congratulate her on her amendment and strongly support it.

I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. DURBIN. I ask consent the pending amendment by the Senator from Maine be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 532 TO AMENDMENT NO. 358

Mr. DURBIN. Madam President, I call up amendment No. 532.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] for himself, Mr. SCHUMER, and Mr. CORZINE, proposes an amendment numbered 532.

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

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

The amendment is as follows:

(Purpose: To increase the authorization of appropriations for certain technology grant programs)

On page 362, line 14, strike ''$500,000,000'' and insert ''$900,000,000''.

Mr. DURBIN. Madam President, this amendment I am offering addresses an issue of which I think every parent is well aware. In this debate about education, we are focusing on critical needs in American education. One of those critical needs is the ability of a child to read. We have established partnerships in this bill that will try to

find new and innovative ways to teach our children how to read.

As a parent and as a former student, I certainly can recall the breakthrough in my life and the lives of my kids when their reading skills reached a level where they picked up a book by themselves and enjoyed it. I am glad they did. My kids have turned out just fine. Thanks to good teachers and a lot of prodding by parents, a lot of children go through this learning experience to read. I think it is wonderful that this bipartisan education bill focuses money on these partnerships to bring in new, innovative thinking to teach our children how to read.

The amendment I offer today looks at another challenge beyond reading, on which I think we should take a moment to reflect, and that challenge is math and science education. Think about the wondrous things occurring in America today. Think of all the technology that is being developed. Think of the fact that the United States leads the world—and we are proud of it—when it comes to the development of technology. Pause for a moment and reflect on whether or not we are training our children so they can continue this dominance of the United States when it comes to math and science.

If you make an honest and objective appraisal, you may come to the same conclusion I have come to, and that is that we can do a better job. I fully support the idea of the reading partnerships. The amendment I offer today suggests we fund for math and science partnerships at the same level of funding as reading partnerships. That sounds like a pretty simple thing. I hope it is agreed to on a bipartisan basis. It is not offered as an unfriendly or hostile amendment. I hope many will view it as a positive response to a good suggestion. Yes, let's invest in reading, but don't forget the need to invest in math and science.

Does anyone doubt the need exists? I am going to recount for a moment some statistics and information we brought together about the current state of education in math and science in America. As you listen to this information, reflect on whether or not we can do a better job, whether or not we need to make the right investment in teachers and in students and teaching techniques so we continue our dominance in the world in the areas of science, technology, and mathematics.

In too many cases today, elementary and secondary students in American schools are not receiving world-class math and science education. Every 4 years we have an Olympics, a winter Olympics and a summer Olympics. We are very proud of U.S. athletes who compete with athletes from nations around the world. Those young men and women usually end up in the White House for representing our Nation, and they show off their gold medals and silver medals and bronze medals and we take great pride in it.

There was another Olympics which took place a few years ago, the 1996 Third International Mathematics and Science Study, called the TIMSS assessment. It was administered to students around the world in grades 3, 4, 7, 8, and 12; 45 different countries participated in it.

The U.S. students at the third and fourth grade levels scored near the top in these international assessments. Their performance started to decline when we were compared to 8th graders around the world, and their ranking was well below the international average by the 12th grade.

American eighth graders were tested with TIMSS again in 1998 and 1999 to see if there had been any change. The raw average scores were about the same as they were for the eighth graders tested in 1996. The eighth graders tested in 1999 exceeded the international average in both science and math. But of the 38 countries that participated in the assessments, students in 17 countries performed better than students in the United States in science and 18 nations outscored the United States in math. Singapore, Japan, South Korea, and Taiwan led the nations that were tested in math and science. U.S. students' math and science scores put us in the same category as Bulgaria, Latvia, and New Zealand.

U.S. students today are just not taught what they need to know when it comes to math and science. Most American high school students take no courses in advanced science; 50 percent of students take chemistry; 25 percent take physics.

In a February opinion article for Education Week, the president of the National Science Teachers Association asked this question: If the United States were ranked 17th in the world in Olympic medals, it would be a national embarrassment and no doubt there would be a free flow of money to fix the problem. Why can't the same be true for education?

First, let's speak about teachers. This is the key to it. If you do not have a person standing in front of the classroom who understands the subject and knows how to teach the subject, then the child has to learn on his or her own.

Can you remember when you were sitting at a desk in a classroom? Could you have taken out that book in the classroom and learned by yourself and gone home at night and have done your own homework without the help, the urging, and encouragement of a teacher? I doubt it.

In 1998, the National Science Foundation found that just 2 percent of elementary school teachers had a science degree and 1 percent had a math degree. An additional 6 percent had majored or minored in science or math education in college. Nearly one in four of American high school math teachers and one in five high school science teachers lacked even a minor in their main teaching field.

Do you know what that means? These are teachers standing in front of classrooms in our high schools teaching math and science who did not minor or major in that subject in college. They might be good teachers. Maybe they have a lot of talent. But it suggests that someone who has majored perhaps in English or history, standing up trying to teach a chemistry or physics course, may not have the skills they need.

Internationally, fully 71 percent of students learn math from teachers who majored in mathematics—around the world, 71 percent. Only 41 percent of all American elementary and secondary students are taught by teachers with a math degree.

I would like to have a pop quiz in the Senate for all of my colleagues. Please take out your pads and pencils. We are going to have a little math test.

A researcher at the University of California at Berkeley found that just 11 out of 21 American elementary school teachers could divide 1¾ by ½ and come up with the correct answer. Every single teacher in a group of 72 Chinese teachers got it right. I wonder how many Senators could get it right.

High school and college students in America, unfortunately, are not majoring in math and science as they must if we are going to meet world demand for the skills to make certain that the 21st century is an American century. In 1997, the National Science Foundation found that 22 percent of college freshmen who intended to major in science or engineering reported that they needed remedial work in math, and 10 percent reported they needed remedial classes in science.

Let me speak for a moment about women and minorities in the fields of math, science and technology.

In 1996, women received 47 percent of all science and engineering bachelor's degrees awarded but just 9 percent of the bachelor's degrees in engineering-related technologies, 17 percent of the bachelor's degrees in engineering, and 28 percent of the bachelor's degrees in computer and information sciences. Women make up half of the U.S. workforce, but they account for only 20 percent of those with credentials in information technology.

The National Science Foundation tells us that African Americans, Hispanics, and Native Americans comprise 23 percent of the population as a whole but earn just 13 percent of bachelor's degrees, 7 percent of master's degrees, and 4.5 percent of doctorate degrees in science and engineering.

So we are not only failing to teach Americans when it comes to math and sciences, but we are leaving behind women and minorities who should be part of this exploding opportunity that America knows is really our future.

There is also a terrible shortage of technological workers. If you follow the proceedings of the Senate, you probably are aware of the fact that we debate from time to time changing visa quotas of those who want to come into the United States, particularly under

H–1B visas. The reason, of course, that we are opening our doors in America for technology workers to come in from overseas in larger numbers is that we do not have the work pool in this country to meet the needs.

There is a lesson here. For Senators who are following this debate and those who are in the galleries and listening, the lesson is this: If we are going to produce the workers in America to meet the needs of high-tech employment, we can't start with a law mandating that it comes from Congress. We have to start in the classroom, and we have to start it at an early age.

The purpose of the amendment I am offering today is to say let us start investing in math and science partnerships early on so that we have a chance to produce these workers for the next generation. I think it is not unreasonable to ask my colleagues in the Senate to make an equal investment in math and science as they do in reading so that we no longer have to debate on an annual basis opening the doors of our Nation so that those who were trained in foreign schools and foreign universities can come and fill those high-paying jobs.

There is a terrible shortage when it comes to math and science teachers. The National Science Teachers Association has reported that 48 percent of all middle schools and 61 percent of all high schools reported difficulty in finding qualified science teachers. In urban areas, an astounding 95 percent of districts report an immediate need for high school science and math teachers.

I was born and raised in East St. Louis, IL. It was a great town in which to grow up. But East St. Louis has fallen on very hard times. The public schools of my old hometown struggle to survive and to educate children.

I once met with the superintendent of the school district of my old hometown. I asked him about math and science teachers at East St. Louis Senior High School. This is what he told me: We will have any teacher who is willing to try to teach math and science. We are not going to question their background or qualifications. If they will take that textbook and stand in front of the classrooms, we will hire them on the spot.

That is just not a story of East St. Louis, IL, it is a story, sadly, across America, particularly in urban school districts. Think of a wasted opportunity. How many young men and women sitting in that classroom with the right teacher and the right opportunity can make a valuable contribution to this Nation? But they won't be able to do it if the teacher standing in front of the classroom doesn't have the skills.

In Chicago, school officials have begun recruiting foreign teachers and bringing them in from overseas to teach in the Chicago public schools, particularly in the areas of math and science. They find in some areas of Europe and Asia where math and science are really valued that these young people have great degrees and want to come to America. Once again, we are issuing additional visas so that foreign-trained teachers can come and teach in our high schools. It is happening in Chicago, a town I am proud to represent. But it ought to give us some pause to think that is how we are responding to this national need.

Let me recall the year 1957 for a moment. The Soviet Union shocked the world by launching a satellite called Sputnik. We had just started our concern about the cold war. Along comes this Soviet breakthrough in science which literally scared the Members of Congress into doing something substantive. We enacted major legislation known as the National Defense Education Act. It was maybe the first initiative by the Federal Government to make a direct investment in education. We were concerned that we didn't have the engineers, scientists, and technicians to compete with the Soviet Union in the cold war. Money was put into the National Defense Education Act. It provided funds for schools to improve their math and science courses. It provided scholarships and loans for those who went to college so they could get better degrees and be prepared to lead this country.

Why do I know so much about the National Defense Education Act? I was one of the recipients. I borrowed money from the Federal Government, completed my education, and paid it back so others could follow. Was it a good investment for America? Personally, I think so. Thousands of students benefited from it. In fact, we did not only begin the race to the Moon, but competing with nations around the world in science and technology is evidence that it paid off. We made a Federal investment that was a good investment.

The mounting evidence of the state of the world today should give us pause. Student achievement in science and math in the United States is stagnant. Students are losing interest in math and science in high school. Fewer students pursue degrees in the math and science fields. The technology workforce is having a difficult time finding qualified workers, and it is hard to attract math and science teachers whom we need in our schools.

All of these factors must lead us to conclude that something must be done to reform math and science education in grades K through 12. This bill makes an important first step in funding national science partnerships. I am asking the sponsors and those supporting this bill to consider expanding the amount of opportunity in math and science as we have in reading. Let us not make math and science second rate next to reading. Reading is critically important, but don't in any respect forget the importance of math and science to our Nation.

We have appointed several commissions over the last several years, one of them with our former colleague from Ohio, Senator John Glenn. We all know John Glenn's story—this great American who served in the Marine Corps in both World War II and the Korean war, the first man in space, and who served with us in the Senate. After he announced his retirement from the Senate, once again he became an astronaut. What a great man, and what a great contribution he made to America; he is a person who really appreciates science and math. He was asked by President Clinton to establish a commission to look into this issue of the question of math and science.

The Glenn Commission came out with some startling findings to back up the reasons we need this amendment today. Senator Glenn came to the conclusion that if America is really going to succeed in the future, we cannot ignore the need for math and science.

What he has said in this report—which is bipartisan, bringing together some of the best educators in America—is, we need to make the investment to make it happen, to make certain we have good teachers who are well paid and kids who are well educated in the fields of math and science.

There was another commission created which reported to Congress in February of this year. It was cochaired by former Senator Gary Hart of Colorado and former Senator Warren Rudman of New Hampshire. This commission did not look at science from the viewpoint of just education; they looked at it in terms of national security. And, once again, this bipartisan commission, representing some of the best minds in America, looking in the field of national security, came to the conclusion that education was a national security imperative.

So if you are one of those in Congress who believe our first responsibility is to provide for the national defense, then you should read this commission report and realize that a strong America, with a strong national defense, relies on strong teachers and strong students in classrooms around America who are learning math and science.

I think the message is very clear. I hope my colleagues will pause and reflect on it for a moment. We have a chance, in this legislation, to do something significant for our schools. I am happy that it is a bipartisan effort. I am happy that we have Senators from both sides of the aisle working with Members in the House of Representatives on both sides to come up with a bill.

I do not believe this is a partisan amendment I am offering. I believe there are Republican Senators, as well as Democrats, who appreciate the need for an investment in math and science.

It is interesting that when I asked for support for this amendment from around the country, the support did not just come from teachers organizations; the support came from those representing scientific endeavors, people who are on the front line in research in America, people at the National Institutes of Health, those who are involved

in research in Silicon Valley. These are the people who came forward and said to me: Senator, don't overlook math and science. Make this basic investment in reading, but don't forget math and science.

We want to be able to hire American students to work in American companies to produce American products that sell around the world. I am not averse to people coming to this country. My mother was an immigrant. I have an open mind, and I really believe in the value of immigration. But if we look to the future, don't we want to give our kids the first opportunity in the classroom?

What we do with this amendment is increase the authorization level for math and science partnerships.

Mr. GREGG. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire for a question?

Mr. DURBIN. I am happy to yield.

Mr. GREGG. Would the Senator be willing to take this on a voice vote?

Mr. DURBIN. Yes, I would. And with that kind of encouraging question, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DURBIN. Madam President, it is my understanding that my colleague—and yours—from New York wants to come over to speak to this amendment. So at this point I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I am proud to join with the occupant of the chair, my friend and colleague from the State of Illinois, in this amendment. I very much appreciate the opportunity to speak on it. I apologize for the slight delay; we are finishing up a hearing on faith-based institutions in Judiciary, which I had to chair.

American students are falling further and further behind in math and science. The numbers tell a dismal story.

In 1996, only 23 percent of all eighth graders were at or above proficiency in math, and 27 percent of all eighth graders were at or above proficiency in science.

A 1999 international study revealed no significant progress for American eighth grade students in math and science achievement over the last 5 years. Even worse, the study indicated that U.S. student achievement in these academic areas actually declines between grades 4 and 8.

I don't have to tell my colleagues how important math and science are in this new global economy. Technology is key, and the base of technology is math and science. As sure as we are debating this amendment today, if America does not improve its math and science ability, we are not going to stay the No. 1 economy in the world. High value is added, as Alan Greenspan says, by thinking things, not by moving things anymore. We have to have the best people at thinking things. When math and science are as poorly learned and as poorly retained as they have been, there is trouble on the horizon.

My own State of New York is not immune; 28 percent of our New York high school students failed the math Regents test—up from 24 percent in 1997.

So we have an anomaly in America. While we have many brilliant U.S. scientists and mathematicians leading the way in research and technology, basic education in these areas has been increasingly deficient.

How are we going to have the next generation be as brilliant, as productive, and as important as this one has been in math and science if our schools continue to teach them poorly? We cannot continue to simply rely on immigrants to fill the brain gap. We have to have American students doing much better.

As a good friend of mine, an accomplished mathematician, Jim Simons likes to say, ''For every person familiar with neural networks, double helixes, or string theory, there are thousands who cannot do long division, let alone high school algebra.'' That is the anomaly we face in modern America—the anomaly that this amendment helps, we hope, to alleviate.

How do we make the change? Well, probably the most important answer lies in our teachers. Teachers make a difference. Studies tell us that teacher qualifications can account for more than 90 percent of the differences in students' reading and math scores. To repeat that, teacher qualifications can account for more than 90 percent of the differences in students' math and reading scores. But we are facing a battle on two fronts—a lack of interest in the teaching profession and inadequate teacher training in math and science.

Depression babies in the thirties and forties wanted to get a civil service job and were willing to sacrifice pay. Women, in the 1950s and 1960s were told: be a nurse or a teacher. And millions were. They sure helped me with my education. Those in the last group—my generation, the Vietnam war era of young men—were granted a deferment if they taught, and many did.

We had open school day. My children attend New York City public schools. I talked to each of their teachers. There are 12 of them—6 for each daughter in the various subjects. Jessica is in high school and Allison is in middle school. I asked, ''How did you become teachers?'' Half of the women who I interviewed entered in those years, and of the six men I interviewed, four entered teaching during the Vietnam war era. It was amazing.

As this chart shows, fewer and fewer talented men and women in math and science are choosing careers as teachers. Only 8 percent of the Nation's math teachers and 7 percent of the Nation's science teachers were new in 1998. It is worse in my State of New York. The numbers are 5 percent and 4 percent, respectively.

This is an amazing and frightening statistic: 28 percent of math teachers and 26 percent of science teachers in the United States did not major in the field in which they teach; 22 percent of the Nation's middle school math and science teachers are not certified. How are we going to attain excellence with these statistics?

The combination of low pay—teachers earn 30 percent less than other workers with a bachelor's degree in the same subject—little prestige, and, of course, multiplying job opportunities for talented math and science majors has led to a shortage crisis in these vital subject areas.

Let me read you this statistic, which is equally frightening: As of 1998, a quarter of our Nation's math teachers were over age 50. In 1998, a third of New York's math teachers were over 50. That means a huge percentage of these teachers from the old generations are going to retire. With whom are we going to replace them?

The shortage is particularly acute in low-income and urban communities. These communities alone will need more than 700,000 additional teachers in the next decade.

We must demand excellence from all of our teachers. We have to ensure that teachers who have spent years in the classroom continue with their professional development. Similarly, we must ensure that new teachers enter the field with the skills and knowledge base necessary to educate our children.

As last year's Glenn Commission concluded:

> The most consistent and powerful predictors of student achievement in math and science are full teaching certification and a college major in the field being taught.

Last year in New York, 37 percent of teachers or prospective teachers failed the State teacher's certification examination in math—that is up from 32 percent 3 years ago—38 percent failed the biology test compared to 24 percent 3 years ago. So things are not getting better; they are indeed getting worse.

So what do we do about it? Well, the bill before us, S. 1, takes an important step in prioritizing math and science education by creating a new program to improve teaching in these critical areas. Just yesterday, we passed an important amendment which would strengthen these provisions, and I am proud to have worked in a bipartisan fashion with not only Senator DURBIN, but Senators FRIST, ROBERTS, WARNER, CRAPO, and GREGG on this important amendment.

Now, specifically, the amendment ensures that schools working in collaboration with colleges and universities use funds to recruit and retain highly qualified teachers—both recent graduates and midcareer professionals—in math and science.

We encourage local districts to use scholarships, signing incentives, and stipends to attract talented individuals to the field and to pair those activities with effective retention tools such as professional development and mentoring.

We authorize districts to create mastery incentive systems, where experienced certified math and science teachers who demonstrate their expertise through an exam and classroom performance are rewarded.

With the passage of this amendment, the provisions in this bill are a good first step, but we must ensure that we provide enough funding to make the new program work. The greatest worry I have about this bill, which I think has been exquisitely crafted by our leader from Massachusetts, working so hard with so many other Senators and with the White House, is that we will have all this great language and no money to help with what we say we are going to do.

It would be the sheerest hypocrisy to do that. It would delude the American people into thinking we are doing something when we are actually doing nothing, other than adding more laws without implementing them.

That is why today Senators DURBIN, CORZINE, and I are offering an amendment which would increase the math and science partnership authorization—what we did yesterday—from $500 million to $900 million. We are pleased that Reading First is authorized at $900 million. Our children have to be proficient readers, but in today's world, science and math are no less important, and our funding priorities should reflect that.

We should be funding these math and science partnerships at the same level that Reading First is funded. Math and science has to be a priority for our Nation. We have to recruit, retain, and reward great math and science teachers. After all, it is these men and women who are responsible for educating our children and ensuring that our Nation will be prepared to stay No. 1 in the very competitive math and science-oriented global economy of the 21st century.

I thank the Chair, and I yield the floor.

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

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. SCHUMER. I withhold my suggestion if my colleague from Massachusetts wishes to speak.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friend and colleague from New Hampshire is here. We want to move ahead with this amendment.

First, I commend the good Senator from Illinois for this amendment. I remember when we passed the Eisenhower program. It was passed in 1984 after the excellent report of Ernie Boyer, ''A Nation at Risk,'' which is still the definitive work as to where we were in early education and the challenges we faced. We have been trying to respond to those challenges from that period of time.

This legislation, as has been pointed out by the Senators from Illinois and New York, is different from the Eisenhower program in that it enhances the opportunity for recruitment, which is enormously important, and also has an emphasis on curriculum, which is extremely important, as we are finding out in the review.

In the first testing we are going to have for the 3–8 grades, it is going to be on math—science is going to be down the road, but it is going to be on math and it is also going to be on literacy. As the Senator from Illinois pointed out, we are seeing a three-fold increase in literacy but we have not increased in math and science.

If we are going to have a greater sense of expectation of the children in literacy, because this is the area that is going to be tested, the Senator says let's give equal priority to the areas of math and science. That makes eminently good sense. It is a modest increase. It is basically going to establish similar funding in math and science, as we have on literacy. It strengthens our whole effort.

The legislation has provisions for recruitment and curriculum; this is an enhancement of that program. It makes a good deal of sense.

I thank the Senator from New Hampshire for his willingness to accept it. It is an important amendment. It adds to the legislation. I welcome the excellent presentation the Senator made and the strong support of my colleague and friend from New York. I look forward to voting on this measure at this time, if possible.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 532.

The amendment (No. 532) was agreed to.

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

The PRESIDING OFFICER (Mr. SCHUMER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I understand the pending amendment is the Voinovich amendment; is that correct?

The PRESIDING OFFICER. The pending amendment is the Collins amendment No. 509.

Mr. BINGAMAN. Mr. President, I want to talk about the Voinovich amendment and a second-degree amendment that I want to offer to that, once the Senator from Ohio, Mr. VOINOVICH, has had a chance to modify his amendment.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico is recognized.

Mr. BINGAMAN. The second-degree amendment I will offer on behalf of myself, Senator HATCH, and Senator KENNEDY, in my view, will help clarify that we do not intend to change the basic relationship between the Federal Government and the States by virtue of this Voinovich amendment. Senator VOINOVICH seeks to accomplish a laudable goal with his amendment. It is my understanding he is striving to ensure coordination between the Governors and the State superintendents of education and the State boards of education in the development and implementation of educational policy as it relates to Federal funding.

All Senators in this Chamber will agree that is an admirable objective. The language he has proposed, however, as I understand, even after the modification he is going to offer, effectively gives Governors a veto power over State school boards and superintendents. It supersedes most, if not all, State constitutions and laws on that issue.

The Voinovich amendment changes 35 years of Federal education law by giving the Governors of every State joint authority to prepare and prove and submit consolidated plans and applications for all of the Elementary and Secondary Education Act programs to the U.S. Department of Education. It would explicitly mandate that the Governor of each State sign off on title I plans which include the State's educational accountability system, the content and student performance standards, assessments, definition of adequate yearly progress, and the uses of those funds—and particularly the State's plan for identifying and improving low-performing schools.

In my view, we should not violate State sovereignty to determine how the State chooses to structure the governance and administration of education. Federal education policy has long recognized that each State sets its own State educational authority for elementary and secondary education. The bill before us does so by designating the agency or individual given this authority under State law as the person or agency in charge of administering the Federal programs. So elsewhere in the bill we do not in any way try to dictate to the State any requirement it change the way it administers its educational system.

In my home State of New Mexico, our State constitution vests the ultimate authority over education in the State school board. We have 10 elected members; we have five members who are appointed by our Governor. This board is given authority under our constitution to determine public school policy and

to have control and management over our public school system. The model in our State contemplates coordination between our Governor and the board through the appointment of these five members that the Governor is directed to appoint.

The Federal Government should not attempt to undo the balance achieved in the State of New Mexico by giving the Governor federally mandated veto power over what a majority of the board decides. To do so would deprive the voters of New Mexico of the right to vote for the majority of our school board and to have that majority set policy in our State.

The impact of the amendment the Senator from Ohio is offering would not be unique to New Mexico. I am not just offering my second-degree amendment because of a problem in New Mexico. Virtually no two States use the same model for education governance. I know of no State that vests ultimate authority solely with the Governor or gives the Governor a veto. Some States vest the authority in a State school superintendent appointed by the Governor. But in most, if not all of these States, this appointment is subject to confirmation by the State legislature.

In some States, the Governor sits on or chairs the State's board of education and has a defined role in the development and approval of State education plans. Federal provisions requiring additional signoff and approval by the Governor give the Governor a power to revise or overrule the very board the citizens of the State have established to make these decisions. In those States where the constitution vests autonomy and power in elected State boards and/or State superintendents—there are at least 13 States that do this—the adoption of the Voinovich amendment would substantially override State law and the will of the people of the State. If States want Governors to make these decisions, they can so provide, but we should not be making a provision like that in this bill as a side consequence of our other legislation.

As is pointed out in a joint letter signed by 20 major educational organizations that support my second-degree amendment, the amendment by the Senator from Ohio would allow Governors to supersede State-determined authority by requiring Governors' approval of the decisions on applications and plans assigned by the State to the State education authority.

I ask unanimous consent this letter by these organizations be printed in the RECORD.

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

ORGANIZATIONS SUPPORTING STATE AUTHORITY IN THE ADMINISTRATION OF FEDERAL EDUCATION PROGRAMS

MAY 21, 2001.

To: Members of the United States Senate:

VOTE YES FOR THE BINGAMAN-HATCH AMENDMENT TO ASSURE GOVERNORS' PARTICIPATION IN ESEA STATE PLANS AND APPLICATIONS

The undersigned organizations urge you to vote YES on the Bingaman-Hatch 2nd Degree Amendment to the Voinovich Amendment No. 389. The Binhaman-Hatch Amendment provides that state plans and applications for ESEA would be prepared and submitted by state education agencies after consultation with governors. This will assure coordination of these state plans and applications for federal programs with state education policy and also assure that the federal government is not superimposing an education governance structure on the states.

The undersigned organizations previously have urged the Senate to vote NO on the Voinovich Amendment No. 389 because it would require that governors jointly prepare plans and applications for the entire Elementary and Secondary Education Act together with state education agencies. We oppose that amendment because it makes a very fundamental change in the time-honored separation of powers for education between the federal and state governments. The governance and administration of education is clearly the responsibility of states. The federal government has recognized this authority in all of the elementary and secondary education acts over the past 50 years by providing that whatever each state has determined to be its administering agency for elementary and secondary education will the agency responsible for the federal education programs. The federal government must continue to rely on that agency without imposing added conditions!

A copy of our letter of opposition is attached.

The federal government has provided that whatever choice a state makes in education governance, through a combination of elected or appointed officials, powers of state boards of education, state legislatures, governors or chief state school officers, that state determination is final. Federal statutes have not and must not overturn that determination by requiring additional authorities for governors, or other officials, not otherwise provided by the state constitution or state law.

The United States Senate has the opportunity to maintain the recognition of state sovereignty while advancing provisions in the Elementary and Secondary Education Act that would encourage coordination among state officials and explicitly provide for consultation by the state education agency with the governor in the preparation of plans and applications for ESEA.

The undersigned organizations believe the issues of governance and administration are of critical importance with respect to the fundamental authority of state and local responsibility for elementary and secondary education. The Voinovich amendment is not a minor extension of authority for coordination and consultation. It is a fundamental change in federal-state relations by imposing requirements which are properly the responsibility of the states. We urge your vote for the Bingamin-Hatch amendment which truly provides for appropriate participation by the governor.

To assist with understanding of the specific provisions and consequences of the Voinovich amendment No. 389, we also attach a set of questions and answers about that amendment.

We urge your support of the amendment by Senators Bingaman and Hatch.

Sincerely,

American Association of School Administrators, American Association of University Women, American Federation of Teachers, Association for Career and Technical Education, California State Superintendent of Public Instruction, Citizens Commission on Civil Rights, Council for Exceptional Children, Council for Chief State School Officers, International Reading Association, Leadership Conference on Civil Rights, National Alliance of Black School Educators, National Association for Bilingual Education, National Association of Elementary School Principals, National Association of Federally Impacted Schools, National Association of School Psychologists, National Association of Secondary School Principals, National Association of State Boards of Education, National Association of State Directors of Special Education, National Association of State Title I Directors, National PTA, National School Boards Association, School Social Work Association of America, United Church of Christ Justice and Witness Ministries.

Mr. BINGAMAN. The second-degree amendment I will propose, along with Senators HATCH and KENNEDY, will provide for coordination between Governors and State education authorities, but it will not have the effect of superseding State-determined decision-making. Through consultation, the Governor and the State education authority will review key issues and ensure the plans and applications are consistent with overall State policy for education.

It is my understanding Senator VOINOVICH will modify his amendment to add a new phrase. The phrase is ''unless expressly prohibited by State constitution or law.'' The modification does not solve the problem about which I am concerned. State constitutions and laws do not expressly prohibit any State authority from acting with respect to education. Instead, in my State and all States I am aware of, the State constitution affirmatively assigns responsibility to certain State authorities. They do not prohibit other State authorities from taking action.

The amendment with the modification still would have the effect of interfering with State sovereignty by giving Governors a veto power over State plans under the Elementary and Secondary Education Act. I believe this second-degree amendment is a better alternative. I urge my colleagues to support it. I appreciate the chance to explain the amendment at this point.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 509, AS MODIFIED

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the yeas and nays on the Collins-Conrad amendment be vitiated, and that the amendment be agreed to by a voice vote.

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

Ms. COLLINS. I urge adoption of the amendment.

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

The amendment (No. 509), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I will take one moment to thank the Senator from Maine for this excellent amendment. There has been concern about what is going to be the real cost. There have been wide disparities in terms of the estimates. I have looked through a number of these studies. The Senator from Maine said let's really get a definitive study so we will know what the burden upon the States is going to be so we can act responsibly. I think it makes a great deal of sense. I think it will make even more sense if we include the more recent alterations that are in the Wellstone amendment.

I thank the Senator. I think this is enormously helpful and valuable.

Ms. COLLINS. Mr. President, I thank the Senator from Massachusetts and the Senator from New Hampshire for their kind comments. I appreciate their support for the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 389, AS MODIFIED

Mr. VOINOVICH. Mr. President, I call up amendment 390, and I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 389), as modified, is as follows:

On page 7, line 21, add ''and the Governor'' after ''agency''.

On page 8, line 1, insert ''and the Governor'' after ''agency''.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

''(c) STATE PLAN.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

''(d) NONAPPLICATION OF PROVISIONS.—The requirements of this section shall not apply to a State where compliance with such requirements is expressly prohibited by the State constitution or a State law.''.

On page 35, line 20, insert '', that, unless expressly prohibited by a State constitution or law, is jointly prepared and signed by the Governor and the chief State school official,'' after ''a plan''.

On page 706, line 8, insert ''Governor and the'' after ''which a''.

On page 706, line 16, insert ''Governor and the'' after ''A''.

On page 707, line 2, insert ''Governor and the'' after ''A''.

On page 708, between lines 5 and 6, insert the following:

''(c) NONAPPLICATION OF PROVISIONS.—The requirements of this section shall not apply to a State where compliance with such requirements is expressly prohibited by the State constitution or a State law.

Mr. VOINOVICH. Mr. President, throughout the course of the debate on the education bill, we have been proceeding toward the goal of bringing positive change to our education system. However, for these school reforms to succeed, we need to ensure that the parties affected by this bill are able to work in unison.

In nearly every instance where federal funds pass-through to states from highways to health care the Federal government directs those Federal funds to go right to Governors and to State legislatures.

The exception is education, where State education agencies are the direct recipients of Federal funds for education. Most of that funding is then passed on to local schools.

State plans submitted by State education departments to the U.S. Department of Education set the guidelines local school officials are to follow in coming up with their own spending plans.

However, there is no requirement for coordination between chief State school officers and Governors on how Federal education dollars are to be used in a State.

In some States, the chief State school officers are appointed by Governors. In other States, though, chief State school officers are elected.

Whatever situation exists between chief State school officers and Governors, in the final analysis, it is the Governors of our States who are held accountable for the overall condition and success of public schools. I can testify to that as a former Governor of Ohio.

As it is currently written, the Senate's ESEA reauthorization bill also holds governors accountable for student progress, even where Governors have no current discretion over federal education programs and federal education funding.

In my view, it doesn't make sense that a Governor, who has to manage his or her State's budget and is responsible for any shortfall, is not required to be consulted when state educational officers set education priorities.

That is why I have offered this amendment.

This amendment is simple: for programs where a State receives federal monies under ESEA, both a chief State school officer and that State's Governor need to sign the education plan that is submitted to the Secretary of Education.

Requiring joint sign-off on education plans by the Governor and the chief State school officer ensures agreement over the content of the State's submitted education plan.

The amendment we have offered makes sure that Federal education funds work with State education funds for the benefit of our children.

Opponents of our amendment have made the assertion that under this amendment the Federal Government would be imposing a new structure of education on the states by superceding State law.

This is incorrect.

Each State's constitution or its statutes create a State education agency that administers State education programs. This amendment does not change State or local education policy or structures. This amendment only applies to Federal education policy. It only applies to ESEA. Our amendment would leave State governing authority alone.

Here is how it would work.

Today, nearly every State files a consolidated education plan to the Secretary of Education to receive ESEA funds. State constitutions and laws do not define what entity signs the ESEA consolidated plans.

Most State constitutions and accompanying statutes were passed long before ESEA was even written. In fact, it is the Federal Government—ESEA itself—that specifically states that State education agencies should sign the consolidated plans that nearly every State uses.

Some of my colleagues have expressed their concerns that this amendment may violate State constitutions and laws because a particular State may give sole authority for education policy to the State education agencies.

To address these concerns, we have modified the amendment to say that this joint sign-off will not apply if it is prohibited under a state's constitution or its laws.

In other words, this amendment will not supersede State constitutions or State laws. Any State that gives their State education agency the sole statutory authority to sign these plans can do so.

My co-sponsors, Senator EVAN BAYH, Senator BEN NELSON, and Senator CHUCK HAGEL, and I are not proposing to substitute State education authority with Federal authority.

As a former Governor of my State, I have fought for years to support State education authority, and I believe my co-sponsors have as well. In addition, we realize that each State's Governor plays a key role in the development of education policy.

That is something a lot of people fail to realize—that during the 1980s, and, frankly, during the term when President Clinton was Governor of Arkansas, and during the period when he became chairman of the National Governors' Association, the Governors really became intimately involved in education in their respective States.

There were education summits in 1989, 1996, and 1999. In each State it is the Governor who works with the legislature to determine key State education policies and funding priorities.

It seems logical that the individual who helps direct a State's education policy and education funding—the Governor—should have some meaningful input into where the Federal money that State receives goes.

This amendment makes sense because under ESEA we say that States that take title I funds must target them to poor students. In this bill, we state that if a State takes funds, they must test students from grades 3 to 8. So it is not radical for us to say that if the States receive Federal funding, they should coordinate that spending so that it works with the State's education spending.

Let me remind my colleagues that Congress supplies only 7 percent of the education funding in America. This amendment only addresses that 7 percent. Why wouldn't we want that 7 percent to be coordinated with the 93 percent that are State and local funds? However, the substitute amendment offered by my colleague from New Mexico does not ensure coordination.

Currently, in some States, politics and personalities create differences between Governors and State school officers. This is again something that is not talked about in this country, but there are many States where the Governors and their State chief school officers rarely spend time together discussing education. In my State, I was fortunate that we developed a good interpersonal relationship with each other, but in many cases that is not the situation. In other words, what my amendment would do is require that the Governor sign off, unless it is in violation of a State constitution or State law.

I believe that requiring a joint signoff on education plans by the Governor and the chief State school officer enables the Governor to leverage and ensure coordination of State education funding to work with the Federal dollars Congress allocates. And the only way to fully leverage Federal funds is to ensure the coordination of those funds with State efforts.

Our modified amendment preserves State authority and ensures the coordination of Federal and State roles to promote education reform and the efficient expenditure of education dollars to the maximum benefit of our students.

I urge my colleagues to reject the Bingaman substitute amendment and to vote for what I consider to be a very commonsense approach and one that recognizes that today in our States—if we are going to get the kind of education we want for our children, if we are going to get the kind of coordination of our Federal dollars with our State dollars, and to make the maximum use of them for the benefit of our kids—it is important that the Governors of our respective States sign off on the applications that are submitted by their States to the Secretary of Education for the use of Federal funds under ESEA.

I thank you, Mr. President. With the Chair's permission, I yield the remainder of my time to the Senator from Indiana.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I am pleased to rise to add my voice to that of my distinguished colleague from the State of Ohio on behalf of the Voinovich amendment. I do so because I believe this amendment is necessary to make the most of the historic opportunity that lies before us to improve the quality of education for all of America's schoolchildren.

This amendment is important. It is needed to make sure that our effort is comprehensive. One of the good things about the bill that has been authored to date is that it includes all the stakeholders necessary to improve the quality of public education. It includes teachers, administrators, those in higher education, parents, and others who are important to improving the quality of America's public schools.

It will be strange if we do not include the chief executive officers of the States, those who are charged with the welfare and well-being of the citizens within their States. Most of the time—the vast majority of the time—there is no more important issue for the States' chief executives—the Governors —than the quality of education for America's schoolchildren. For this to be a comprehensive effort including all stakeholders, we must include the Governors of the 50 States.

It is important for this amendment to be adopted in order for this effort to be coordinated. We will not reap the full fruits of our efforts if Federal policy heads in one direction which is completely uncoordinated and irrelevant to State policy heading in another direction.

To maximize the potential of the reforms we seek to enact, to truly make historic progress, it is important that the State and Federal efforts dovetail together in a coordinated manner to give America's schoolchildren the very best opportunity to get the education they so richly deserve. Adoption of the Voinovich amendment is important for this ESEA reauthorization to maximize its effectiveness.

I would like to observe that even with the additional funding we hope to achieve—which is so vitally important—still no more than 6 or 7 percent of the funds provided to America's local schools will come from the Federal level. Fully 94, 93 percent will continue to come from State and local governments.

We are instituting, as a part of this process, historic accountability provisions. I anticipate they will identify many schools that need substantial improvement. They will identify many students who are at risk of being left behind if we do not give them the education they so desperately need.

State and local governments will continue to be at the forefront of making that progress possible since they provide the bulk of the resources. It is vitally important that we include Governors in this process for the following reason: I have not seen a single State education reform effort anywhere in this country succeed without the active, vigorous participation of the Governor of the State. In real practical terms, it simply does not happen.

It is the Governor who submits the State budget requesting more funding for education. It is the Governor who, very often working with the State legislature, and with the cooperation of the chief State school official, puts together the programmatic parts of any education reform effort.

If we hope to use this opportunity to catalyze meaningful reform and progress at the State and local level, we simply must have Governors involved because, as a practical matter, it is the Governors who get the job done.

As I said, I am not aware of a single major State education reform effort in this country that has been accomplished without the active involvement and participation of the Governor. That is why they at least need to be involved in the applications that are being submitted for the use of Federal funds as well.

Finally, let me say a few words with regard to States rights. This amendment does not give the Governors unfettered discretion. It does not put the Governors in charge. It simply says that Governors must work, consult and cooperate with the State chief school officers. That is as it should be if we are going to reap the full fruits of this effort.

It says to the States, with respect to their constitutions and laws, you do it as you see fit, but at least we would like to have the Governor consulted, if that does not run counter to a provision of State constitutional or statutory law.

I have been interested over the last couple of years I have been privileged to serve as a Member of this body, having been a Governor for 8 years—just as my colleague from Ohio was the Governor of his fair State for 8 years—to occasionally hear the skepticism and the concern with which some members of the Federal Government view State governments in general and Governors in particular. This is interesting, considering a growing number of Members of this body happen to have been Governors once upon a time themselves.

It was also interesting for me to observe and to listen, when I was a Governor in the Governors' meetings, to the skepticism and concern with which many Governors view the Federal Government and Washington, DC.

Surely, in the spirit of the moment, when we are seeking more bipartisan

cooperation between the parties—surely, at a time we are seeking more cooperation between the executive and the legislative branches—perhaps at this moment we can seek a new spirit of federalism as well, ensuring that the chief executives of the States, working in cooperation with the chief State school officers, make the most of this historic moment to truly have a reform of America's education system of which we can be proud and which will serve our children well.

In order to accomplish that, Governors must be involved. That is what the Voinovich amendment will accomplish. That is why I am pleased to speak on its behalf.

I thank my colleagues for their patience, and I am pleased to yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly oppose the Voinovich amendment and its attempt to change the role of the Governors in Federal education policy. The amendment would require Governors and chief State school officers to sign off jointly on any title I plan or consolidated ESEA plan. As a result, the Governor would have veto power over all Federal ESEA funding and reform. For the first time, the Governor would have a veto over all Federal ESEA funding and reform.

The Voinovich amendment would supersede current State law by giving the Governor the veto power, regardless of the State constitution or current State law.

The proponent, Senator VOINOVICH, asked for a modification of the amendment and in the modification, he provides, under ''Nonapplication of Provisions'':

> The requirements of this section shall not apply to a State where compliance with such requirements is expressly prohibited by State constitution or a State law.

Find a State constitution that prohibits activities. State constitutions guarantee. They authorize and they protect rights and liberties. But they don't basically prohibit. He is saying that this will go into effect unless it is prohibited. That is basically an entirely new concept in terms of many States.

States have made decisions about how they are going to administer their education law, and we have, to date, worked in the development of this legislation, with the language that we have that permits consulting with the Governors. But now this will change that particular provision.

The Federal Government has a strong role to play in ensuring that the neediest children get the support they need to obtain a good education. By superseding State law and giving veto power to the Governor over Federal education policy, the amendment would concentrate greater power in the government and would unfairly tilt the balance against other authorities in the States.

Under the current law, State education agencies in every State implement Federal and State education policy. We want to ensure that there is a strong coordination among all education programs so that local schools obtain the best support available. The Voinovich amendment would distort the control of education policy in each State, causing confusion and unnecessary burdens on States and local communities.

We have all worked together to create a bill that focuses on strong, urgently needed reforms, especially in areas of testing, accountability, and targeted support for students in failing schools. We have also worked together to create the right overall structure for educational policy in the Federal system. Under the bill's pilot programs on performance agreements, the Governor is required to consult with the State education agency. That is an appropriate role for the Governor and one that I support.

I, therefore, urge the Senate to approve the amendment offered by Senators BINGAMAN and HATCH and to ensure that Governors consult with State education agencies in implementing Federal education policy. Their amendment gives the State Governor an expanded role without undermining the State law or constitutions by giving the Governors a veto.

We have seen in the past where title I programs that have gone into the States effectively have gone to the local communities. We have other education programs that go to the States and are administered at the State level. And we have respected those, the way that the States have worked out their administration of it. But this changes action in the States which the States have not indicated they wanted to change in a number of different States. We have not had any hearings on this. We don't know. We can go through the various States which this legislation would effectively override. There are many. But we haven't given that consideration.

We are glad to give it some consideration at some time, but we are effectively overriding the authority for the distribution of the resources at the State level by Federal fiat. That is the effect of this program of Senator VOINOVICH.

Under the Bingaman proposal, we are taking the responsible action of ensuring that there will be a consultation, but we are respectful. If it is handled one way in a State under the Governor, that is the way it ought to be. If it is handled under the State education authority, that is the way it ought to be.

I am just wary of the Senate overriding State decisions about how that will be distributed. That would be the effect of it. The Bingaman amendment addresses this and is the way we ought to follow.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I appreciate the words of the Senator from Massachusetts. I rise to make a couple of points with regard to his remarks.

No. 1, if we think about it, when the State constitutions were adopted, there was no contemplation at all of a Federal role in education. As a matter of fact, up until the last couple of decades, education was primarily the responsibility of State and local government. The education arena has changed dramatically.

As I pointed out in my remarks a few minutes ago, the Governors have taken a much larger role in education than ever before in this country. They started to play a role in 1983, when we had the report on the crisis in education, ''A Nation at Risk.'' As I mentioned, it was Governor Clinton who brought all of the Governors together to deal with the challenge of education in their respective States.

Since that time, Governors have become much more involved in education. If people were asked whether their Governor would sign off on an application from their respective States for the use of Federal money, they would be shocked to know that their Governors are not required to sign off on that application. My amendment is not intended to be a veto. It is intended for the Governors who are being held responsible by the citizens in their respective States for education policies to have an opportunity to participate in putting the plan together as to how those Federal dollars are going to be used in their States.

Rather than a veto, having the Governor involved is going to enhance the application and make it more meaningful because it is the Governor who is responsible in most of the States for the budget that is allocated for education and it is the Governor who takes the leadership role.

I can tell my colleagues, in Ohio today there is a discussion going on about whether or not Ohio is meeting the standards of the State supreme court. It is not the superintendent of public education that is being held responsible by the Supreme Court of the State of Ohio. It is the Governor of the State of Ohio and the State legislature that are being held responsible.

This amendment is not going to do any harm whatsoever to what is happening in our States in terms of Federal money. Rather, it is going to enhance the utilization of those Federal dollars because it is going to require the coordination and cooperation of the Governors and the chief State school officers to utilize those moneys on the State level.

Mr. KENNEDY. Mr. President, some States have made a judgment that they want the Governor involved. This legislation respects that. In other States, they have made the judgment that they don't want it, that they want the State educational agency to be in charge. We respect that.

Under the amendment of the Senator from Ohio, he overrides that State decision. What we are saying is, with this

legislation, even the State authority ought to consult.

Let me just wind up, and I will list the various groups opposed to this legislation. They make this point:

We oppose the amendment because it makes a very fundamental change in a time-honored separation of powers for education between the Federal and State governments. The governance and administration of education is clearly the responsibility of the States. The Federal Government is recognized as the authority in all the Elementary and Secondary Education Acts for 50 years by providing that whatever each State has determined to be its administrative agency for elementary and secondary education will be the agency responsible for the Federal education programs. The Federal Government must continue to rely on that agency without imposing added conditions.

Now, the Voinovich amendment does alter that and changes those conditions. That is why these 28 groups are against it.

AMENDMENT NO. 791 TO AMENDMENT NO. 389

Mr. KENNEDY. Mr. President, momentarily, I will send a second-degree amendment to the Voinovich amendment. At the appropriate time, we will move toward a vote on these two proposals. I believe the leadership has made that request. It will be at approximately 4:30 this afternoon. I now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. BINGAMAN, for himself and Mr. HATCH, proposes an amendment numbered 791 to amendment No. 389.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 7 line 21 insert ''after consultation with the Governor'' after ''agency''.

On page 8 line 1 insert ''after consultation with the Governor'' after ''agency''.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35 between lines 10 and 11, insert the following:

''(c) STATE PLAN.—Each State educational agency, in consultation with the Governor, shall prepare a plan to carry out the responsibilities of the State under 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.''

On page 35 line 20, insert the following: ''prepared by the chief State school official, in consultation with the Governor,'' after ''a plan''.

On page 706 line 8, insert '', after consultation with the Governor,'' after ''which''.

On page 707 line 16, insert ''fter consultation with the Governor, a''.

On page 707 line 2, insert ''fter consultation with the Governor, a''.

AMENDMENT NO. 431 TO AMENDMENT NO. 358

Mr. REED. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 431.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 431 to amendment No. 358.

Mr. REED. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for greater parental involvement)

On page 125, line 6, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 127, between lines 20 and 21, insert the following:

(b) GRANTS.—Section 1118(a)(3) (20 U.S.C. 6319(a)(3)) is amended by adding at the end the following:

''(C)(i)(I) The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to supplement the implementation of the provisions of this section and to allow for the expansion of other recognized and proven initiatives and policies to improve student achievement through the involvement of parents.

''(II) Each local educational agency desiring a grant under this subparagraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(ii) Each application submitted under clause (i)(II) shall describe the activities to be undertaken using funds received under this subparagraph and shall set forth the process by which the local educational agency will annually evaluate the effectiveness of the agency's activities in improving student achievement and increasing parental involvement.

''(iii) Each grant under this subparagraph shall be awarded for a 5-year period.

''(iv) The Secretary shall conduct a review of the activities carried out by each local educational agency using funds received under this subparagraph to determine whether the local educational agency demonstrates improvement in student achievement and an increase in parental involvement.

''(v) The Secretary shall terminate grants to a local educational agency under this subparagraph after the fourth year if the Secretary determines that the evaluations conducted by such agency and the reviews conducted by the Secretary show no improvement in the local educational agency's student achievement and no increase in such agency's parental involvement.

''(vi) There are authorized to be appropriated to carry out this subparagraph $500,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.''.

Mr. REED. Mr. President, this amendment seeks to help parents meaningfully become involved in the education of their children. We all believe—every individual in this Chamber—that parents are essential parts of the educational process. Our challenge is to translate that feeling and that rhetoric into real involvement by parents in the schools of America.

We know that research has shown us that regardless of economic or ethnic or cultural background, parental involvement is a major factor in the academic success of children. Parental involvement contributes to better grades, better test scores, higher homework completion rates, better attendance, and greater discipline. When parental involvement is a priority in a school, those schools do exceptionally well. It improves not only the performance of children, it improves staff moral, and it creates and helps engender a climate where educational excellence is the norm, not the exception.

We know this through research and through our own observations. Parents themselves have declared invariably in survey after survey that their participation in the school is critical to the success of their children.

A 1999 American Association of School Administrators nationwide survey found that 96 percent of parents believe that parental involvement is critical for students to succeed in school. Eighty-four percent believe in parental involvement so strongly that they are willing to require such involvement on a mandatory basis.

However, in the midst of all of this support—our observations, the research, and the expression of parents themselves—parental involvement is something that is not found frequently enough in our schools. Over 50 percent of the parents surveyed thought that schools were not doing enough to inform them, not doing enough to involve them. In fact, they felt they didn't even have basic information about their children's studies and the issues confronting their children's school.

A recent bipartisan survey sponsored by the National Education Association ranked the lack of parental involvement in children's education as the No. 1 problem in schools today. We understand that this is a critical issue.

The finding of the NEA was echoed recently by a poll cited in a Democratic Leadership Council Update from December, 2000. This newsletter pointed out that:

Parental involvement is critical to the success of both individual students and their schools.

It concluded that we must get serious about ''schooling'' parents and making sure that parents understand how they can access their schools and how critical it is that they be involved in the lives of their children and how important it is that they are a part of the educational process in a very real way.

Now, to succeed in this endeavor, we have to work collaboratively with everybody. We have to get school administrators and teachers prepared to respond to parents. We have to get parents prepared to assume the responsibility of being a major force in the educational lives of their children.

For many of us, this seems obvious. But that is not the case across the country. We should recognize that. We have to prepare in this legislation to make parents real partners in the education of their children. We need to train schools leaders, teachers, and

parents; and we have to make the climate in schools welcoming to parents. All of these tasks require our support, encouragement, and our leadership.

I am pleased to say the bill before us today contains many of the elements that will help us along this path to successful parental involvement. Many of these elements were included in legislation that I introduced earlier in the session called The Parent Act. These elements include ensuring that title I families can access information on their children's progress in terms they can understand—not education-speak, not technical jargon, but in terms they can all understand.

It would also involve parents in school support teams that would help turn failing schools around—recognizing that they, too, are part of the education of their children.

It would also require technical assistance for title I schools and districts that are having problems implementing parental involvement programs. Again, we think this is obvious, easy, simple. But when you go into a typical school today, you have problems such as transient populations, people coming into this country from other lands where English is not the first language, and a host of other problems—schools have to be better prepared to involve the parents.

The legislation before us would also authorize, indeed require, the collection and dissemination by the States of information about effective parental involvement programs. We know the models work, and we want them disseminated across the full spectrum of schools in the United States.

The legislation would require involvement by parents in the violence and drug prevention efforts because we know that is a critical part of the challenge today in many schools across the country.

It would also require an annual review by States and districts to look at the parental involvement and professional development activities for the school to ensure that these activities are effective, and that teachers are being trained to involve parents, and that the involvement efforts are working.

Finally, it would require each local educational agency to make available to parents an annual report card which explains whether schools are succeeding or not. These very meritorious initiatives are included in the legislation.

So I come today to say we have made some progress working together with my colleagues on the Health, Education, Labor, and Pensions Committee. But I believe we can do more, and I believe we must do more.

We are raising the stakes dramatically in schools throughout this country by requiring every child in grades 3–8 to take annual tests. When we raise the stakes, we also have to recognize that we have to do more to make sure these children have an opportunity—a real opportunity—to succeed and to pass these examinations.

My amendment, quite simply, would build on an existing structure of law and increase the revenue stream going to schools so they can actually implement these parental involvement programs. They can move from rhetoric to real practice, from sentiment to accomplishment. I hope that is what we can do today with respect to this amendment.

Already, title I of the existing legislation—legislation that has been on the books for years now—in section 1118, requires districts all across this country to develop written parental involvement policies and requires schools to develop school-parent compacts.

It also requires that schools hold annual meetings for parents, and it would require that parents be involved in school review and improvement policies. That is the law today, but the reality is not enough schools are doing this because the funds are not there because other priorities, as they always seem to, intrude.

Districts are actually required to spend 1 percent of their title I allotment for the purposes I just discussed—school compact preparation, annual meeting with parents, involvement in school reviews—unless that 1 percent amounts to less than $5,000. In many school districts, this 1 percent is less than $5,000. In fact, in Rhode Island, 25 out of my 34 school districts are not required to spend any money because the total would be less than $5,000. As a result, this legislative standard is seldom achieved. In fact, 4 years after they were required by law, a quarter of the title I schools throughout the United States have not yet developed a school-parent compact.

As Secretary Paige testified—and he came from the Houston school system after working there and doing his best to improve and reinvigorate that school system—he indicated at the confirmation hearing that ''increased assistance will be needed''—his words—to enhance parental involvement.

We know what we want to do. We actually improved the legislative framework in this legislation, but we have to provide more assistance.

My amendment, which is strongly supported by the National PTA, does not add to these mandates, but what it does is add resources. It gives localities flexibility. It does not require what is in the school-parent compact, it does not tell them there is only one method to contact the parent, but what it says is we are serious. We are not just going to talk about parental involvement. We are going to give them the means to involve parents.

I believe this is a very powerful way to enhance education, and certainly it is a concept that no one here would argue against.

The question comes down to, in my mind, Will we give these schools the resources to do the job we want them to do?

My amendment provides the resources so parents can get more involved, as recommended by the Independent Review Panel in the Final Report of the National Assessment of Title I.

We will adopt legislation that emphasizes accountability, but accountability without the resources to do many things, including involve parents, is not going to improve the educational process of the United States.

My amendment is critical to ensuring that we can develop a coordinated focus that works in the schools for parental involvement. It elevates parental involvement from something nice to do and maybe something you want to do if the money is available to something you can and should do because the language is clear and the resources are available.

I strongly hope my colleagues will support this amendment and give to the schools of America the resources to do what we all want them to do: improve the education of children by involving parents, by ensuring that the parent as the first teacher does not surrender that critical role when that child enters school.

I will at the appropriate time ask for the yeas and nays when it is judged to be in order. I yield the floor.

The PRESIDING OFFICER. It is in order at this time, if the Senator from Rhode Island wishes to make that request.

Mr. KENNEDY. Will the Chair repeat the request.

The PRESIDING OFFICER. The Senator was asking when it would be in order to request the yeas and nays. Does the Senator make that request?

Mr. REED. I make that request now pending the decision as to when a vote will be scheduled.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend from Rhode Island, Senator REED, for his perseverance on this issue over a long period of time. He has been an enormously active, involved, informed, committed member of our Education Committee. Not only does he have that commitment in the Senate, but he had it in the House of Representatives as well.

When he talks about what we did in 1994 with title I, he knows because he was in that conference. Those of us who served with him know his strong and sensible commitment on involving parents in the education of their children, as well as on the issues of libraries. There are many others, but those always spring up when I hear him talk about education policy.

He is absolutely correct about the importance of parental involvement. I am not going to take the time of the Senate this afternoon, but there is an

excellent report of the Department of Education of several years ago that reaches the conclusion that there is significant academic improvement by involving the parents in the educational learning process of children. The studies at that time happened to be in the fifth grade and earlier.

It is fairly self-evident—as a father, as well, of a senior who will be graduating this Friday, and of a daughter who is in high school—every parent who does involve themselves in that opportunity can make an extraordinary difference in the children's understanding as well as their desire to learn. I certainly have seen that through personal experience, and I think most parents do.

The problem, as the Senator has pointed out, is that the teachers themselves do not receive training in the techniques of involving the parents in the classroom and classroom work. With very limited resources, that effort can produce significant and profound results.

That is what the Senator is advocating this afternoon: that we take a tried and tested concept, which is parental involvement, and give additional life to that concept in resources and build on what we did in the 1994 title I education legislation.

This builds on what we have attempted to do, and what we have attempted to do in this legislation is to understand better what is working across this country and to give these menus to local communities and permit local communities to make decisions based upon local needs, and then to hold them accountable in how these funds are going to be invested and have an evaluation of these programs so we know what is working in terms of our participation and our support of these initiatives.

This one makes a great deal of sense. It is about as intuitive as any amendment. Every parent who has a child in school understands the value of involvement. If more teachers reach out and involve the parents, this will add an additional dimension.

We will build particularly on a number of the existing programs, most obviously in literacy, helping children to read and give new value to books and help them work with children in a very productive way.

I thank the Senator. I am hopeful this amendment will be accepted.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I also acknowledge, as did Senator KENNEDY, Senator REED's intense interest and efforts to address the issue of parental involvement in the school system. His mark is on this bill as a result of that. Parents are mentioned literally hundreds of times in this bill, and there are initiatives to try to give local school districts more resources to assist in bringing parents into the effort of the schoolday. In fact, there is a 1 percent setaside in the title I funds money to carry forward parental involvement initiatives. This can add up to a lot of money. That is where my concern is.

Essentially, the Senator from Rhode Island has suggested we create what amounts to a new $500 million program for parents and parental activity in the school systems. It is pretty liberal in its structure. It could be for coffees, in order to get parents involved; it could be for mailers involving parents or for parent peer groups. It is hard for people at the Federal level to be everything to everybody in education.

There are important needs in the area of education. But we need to remember that the Federal dollars in education are only 6 to 7 percent of the total dollars spent in local and elementary schools. To get the most value for those dollars, we must focus those dollars in specific areas. We have chosen to focus those dollars on special needs children. We have chosen to focus those dollars in this bill on children from low-income families, and specifically on trying to raise the academic standards of those children to make sure they are not left behind as they move through the school system.

There are a lot of other issues that involve schools. There are good language programs; there are good sports and computer science activities. Equally important—and I do not deny it—is the need to have parents involved with their children in the school system. However, we cannot be everything to everybody. If we create a new $500 million program for that, we are taking away from the initiatives being directed at the areas where the Federal Government has chosen to set aside priorities, the special needs programs and the actual academic education of the low-income child. Because of the appropriation process, there will have to be a prioritization, and money will be moved from place to place. Inevitably, somebody wins and somebody loses.

This program, No. 1, although well intentioned, is far too expensive for the Federal Government to pursue; and, No. 2, it is inappropriate for the Federal Government to pursue. We have to look seriously at the cost of this bill as we continue to add any more of these well-intentioned programs on to the bill.

The bill presently, by my estimations, over the life of the authorization, is nearly $400 million over where it started. That is a lot of money. This is another $500 million on top of that. It may be an appropriate thought, but I do not think we need a new Federal program to accomplish this.

The issue of parental involvement is a local issue, probably the ultimate local issue. Shouldn't parents get involved in the schoolday? Absolutely. Should the Federal Government create the mechanisms to do that? No. That is the local responsibility of the parent and the parent structures within the local community and the local school systems which spend 93 percent of the education dollars in this country.

As well intentioned as this amendment is, I oppose it because I think it takes away from the main thrust of the bill. Therefore, it draws off potential resources we need to focus on, including the academic day and the special needs child. This is simply an addition of $500 million on top of what has already become an extraordinarily expensive bill, moving beyond the availability of Members to support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I appreciate the comments of my colleague from New Hampshire. He is exactly right. We have to be very careful about picking our shots with respect to Federal policy and recognize the predominance of the State and local community in education policy. Essentially, we have already made that decision. We made it years ago in the structure of title I. We passed laws requiring parent-school compacts, we required a whole host of parental involvement issues, because we recognized, as we do today, parental involvement is absolutely critical. It was not being performed, it was not being incorporated into the life of the schools, as it should be.

The question today is, Are we going to simply once again engage in a more general rhetorical exercise, or are we going to put up real resources? I guess we could go into these title I schools, the quarter of them that have not yet even completed, after 4 years, their parent-school compact, and perhaps order them to do it. Perhaps we could threaten to remove funds. That, to me, is not helping accomplish what we want to accomplish, which is making sure that these legislative requirements are, in fact, in place in the schools of the United States. The answer is providing them the resources to do what they want to do and what we want them to do but, because of conflicting priorities, are not being done.

In affluent communities, that typically don't have many title I students, for a variety of reasons—one spouse is not working and is at home and able to participate; it is not difficult to communicate with schools because of the existence of the Internet; because the parents are college graduates—there are a host of reasons that we find there is parental involvement.

Our challenge is to go where it is harder to get the parental involvement: Parents may not have English as a first language or be college graduates; parents may not be a couple; rather, a single parent; parents might be forced to move periodically throughout the school year from school to school. It is a difficult challenge. We recognize that, and we have for years. We have said: Listen, schools, you have to develop these plans, these compacts. You have to reach out, you have to do better.

In this legislation, and the work of Senator KENNEDY, Senator JEFFORDS, and Senator GREGG, we have incorporated even more the recognition of parental involvement in our schools.

The question we face today, the classic question, is: Will we match our words with dollars? Will we match our requirements on schools to accept title I funds with real dollars to do what we want to do? I hope we answer that question in the affirmative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our Nation is less literate today than it was at the time of its founding. That might startle people, but that happens to be a fact. We are moving in the wrong direction with regard to literacy.

My State of Massachusetts is recognized, by most of the various economic evaluators and indicators, to be one of the top States from an education point of view, and a third of our workforce is at level one. A third of our workforce is at level one on literacy. That means they have difficulty reading a phone book. Those workers have children. Those children are going into title I schools, by and large. They may be above the minimum wage, but many are going into schools that are hard pressed.

We now have results. We find adult literacy works, but that is more complicated because these are parents who have to go to class after a long day's work, perhaps one or two jobs. This effort in bringing the family into the educational system has a proven, established record of positive results with regard to the parents and with regard to the children. All we are trying to do is make sure, if we have something that we know works, we put that out before the local communities and let them make the judgment as to whether they want to participate in that program. That is what this amendment is all about.

Finally, it is true there has been a substantial increase in the cost of the legislation. It has been done in this way. To make sure the benefit of this legislation has accountability—it has an enhancement of teacher professional development and mentoring, it has an expansion in the literacy programs and accountability programs, the science and technology afterschool programs—we are going to make that available not just to a third of the children but to all the children. That has been done with the votes, particularly the bipartisan vote on Dodd-Collins and also the significant increase because of the bipartisan vote on Hagel-Harkin with regard to funding special needs.

Frankly, those were bipartisan efforts and I think they do reflect national priorities. We are moving along.

AMENDMENTS NOS. 412, AS MODIFIED; 416; 444, AS MODIFIED; 449, AS MODIFIED; 454, AS MODIFIED; 485, AS MODIFIED; 488; 507, AS MODIFIED; 603, AS MODIFIED; 645, AS MODIFIED, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, I have amendments which have been cleared on both sides, and therefore I ask unanimous consent it be in order for these amendments to be considered en bloc and any modifications, where applicable, be agreed to, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask if the impact aid amendment is in this group.

Mr. KENNEDY. No, it is not included in this group.

Mr. INHOFE. However, there is a pretty clear understanding it will be included?

I understand it has been agreed to on both sides. I will not object.

Mr. KENNEDY. I will be glad to talk with the Senator in the next few minutes and give him an update on that issue.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. For the information of the Senate, these amendments are the Graham amendment No. 412, Domenici amendment No. 416, DeWine amendment No. 444, Cleland amendment No. 449, Gregg amendment No. 454, Bingaman amendment No. 485, Smith of New Hampshire amendment No. 488, Collins amendment No. 507, Sessions amendment No. 603, and Conrad amendment No. 645.

The amendments (Nos. 412, as modified; 416; 444, as modified; 449, as modified; 454, as modified; 485, as modified; 488; 507, as modified; 603, as modified; and 645, as modified) were agreed to, as follows:

AMENDMENT NO. 412, AS MODIFIED

(Purpose: To identify factors that impact student achievement)

On page 53, between lines 7 and 8, insert the following:

''(8) FACTORS IMPACTING STUDENT ACHIEVEMENT.—Each State plan shall include a description of the process that will be used with respect to any school within the State that is identified for school improvement or corrective action under section 1116 to identify the academic and other factors that have significantly impacted student achievement at the school.

On page 71, line 24, strike ''and''.

On page 72, line 3, strike the period and end quotation mark, and insert ''and'' after the semicolon.

On page 72, between lines 3 and 4, insert the following:

''(11) a description of the process that will be used with respect to any school identified for school improvement or corrective action that is served by the local educational agency to determine the academic and other factors that have significantly impacted student achievement at the school.'';

On page 104, line 7, strike ''and''.

On page 104, line 13, strike the period and insert a semicolon.

On page 104, between lines 13 and 14, insert the following:

''(C) for each school in the State that is identified for school improvement or corrective action, notify the Secretary of academic and other factors that were determined by the State educational agency under section 1111(b)(8) as significantly impacting student achievement; and

''(D) if a school in the State is identified for school improvement or corrective action, encourage appropriate State and local agencies and community groups to develop a consensus plan to address any factors that significantly impacted student achievement.''.

On page 119, line 19, strike the end quotation mark and the second period.

On page 119, between lines 19 and 20, insert the following:

''(g) OTHER AGENCIES.—If a school is identified for school improvement, the Secretary may notify other relevant federal agencies regarding the academic and other factors determined by the SEA under §1111(b)(8) as significantly impacting student performance.''.

AMENDMENT NO. 416

(Purpose: To provide for teacher recruitment centers)

On page 319, between lines 19 and 20, insert the following:

''(12) Establishing and operating a center that—

''(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

''(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

AMENDMENT NO. 444, AS MODIFIED

(Purpose: To modify provisions relating to the Safe and Drug-Free Schools and Communities Act of 1994 with respect to therapists)

On page 568, line 19, insert ''therapists,'' before ''nurses''.

AMENDMENT NO. 449, AS MODIFIED

(Purpose: To support the activities of education councils and professional development schools)

On page 319, between lines 19 and 20, insert the following:

''(12) Supporting the activities of education councils and professional development schools, involving partnerships described in paragraphs (1) and (3) of subsection (c), respectively, for the purpose of—

''(A) preparing out-of-field teachers to be qualified to teach all of the classes that the teachers are assigned to teach;

''(B) preparing paraprofessionals to become fully qualified teachers in areas served by high need local educational agencies;

''(C) supporting teams of master teachers and student teacher interns as a part of an extended teacher education program; and

''(D) supporting teams of master teachers to serve in low-performing schools.

On page 329, line 7, strike ''; and'' and insert a semicolon.

On page 329, line 13, strike the period and insert ''; and''.

On page 329, between lines 13 and 14, insert the following:

''(C) may include activities carried out jointly with education councils and professional development schools, involving partnerships described in paragraphs (1) and (3) of subsection (c), respectively, for the purpose of improving teaching and learning at low-performing schools.

On page 329, between lines 18 and 19, insert the following:

''(c) DEFINITIONS.—In this section:

''(1) EDUCATION COUNCIL.—The term 'education council' means a partnership that—

''(A) is established between—

''(i) 1 or more local educational agencies, acting on behalf of elementary schools or secondary schools served by the agencies; and

''(ii) 1 or more institutions of higher education, including community colleges, that meet the requirements applicable to the institutions under title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.); and

''(B) provides professional development to teachers to ensure that the teachers are prepared and meet high standards for teaching, particularly by educating and preparing prospective teachers in a classroom setting and enhancing the knowledge of in-service teachers while improving the education of the classroom students.

''(2) LOW-PERFORMING SCHOOL.—The term 'low-performing school' means an elementary school or secondary school that is identified for school improvement under section 1116(c).

''(3) PROFESSIONAL DEVELOPMENT SCHOOL.—The term 'professional development school' means a partnership that—

''(A) is established between—

''(i) 1 or more local educational agencies, acting on behalf of elementary schools or secondary schools served by the agencies; and

''(ii) 1 or more institutions of higher education, including community colleges, that meet the requirements applicable to the institutions under title II of the Higher Education Act of 1965; and

''(B)(i) provides sustained and high quality preservice clinical experience, including the mentoring of prospective teachers by veteran teachers;

''(ii) substantially increases interaction between faculty at institutions of higher education described in subparagraph (A) and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools; and

''(iii) provides support, including preparation time, for such interaction.

AMENDMENT NO. 454 AS MODIFIED

(Purpose: To exempt certain small States from the annual NAEP testing requirements)

On page 53, line 22, insert before the semicolon the following: '', except that a State in which less than .25 percent of the total number of poor, school-aged children in the United States is located shall be required to comply with the requirement of this paragraph on a biennial basis''.

On page 778, between lines 3 and 4, insert the following:

''(c) SMALL STATES.—For the purpose of carrying out subsection (a)(2) and section 6201(a)(2)(A)(i)(II), with respect to any year for which a small State described in section 1111(c)(2) does not participate in the assessments described in section 1111(c)(2), the Secretary shall use the most recent data from those assessments for that State.

AMENDMENT NO. 485 AS MODIFIED

(Purpose: To establish a national technology initiatives program)

On page 379, between lines 19 and 20, insert the following:

''SEC. 2310. NATIONAL TECHNOLOGY INITIATIVES.

''(a) IN GENERAL.—The Secretary shall establish a program to identify and disseminate the practices under which technology is effectively integrated into education to enhance teaching and learning and to improve student achievement, performance and technology literacy.

''(b) USE OF FUNDS.—In carrying out the program established under subsection (a), the Secretary shall—

''(1) conduct, through the Office of Educational Research and Improvement, in consultation with the Office of Educational Technology, an independent, longitudinal study on—

''(A) the conditions and practices under which educational technology is effective in increasing student academic achievement; and

''(B) the conditions and practices that increase the ability of teachers to effectively integrate technology into the curricula and instruction, enhance the learning environment and opportunities, and increase student performance, technology literacy, and related 21st century skills; and

''(2) make widely available, including through dissemination on the Internet and to all State educational agencies and other grantees under this section, the findings identified through the activities of this section regarding the conditions and practices under which education technology is effective.

On page 379, line 20, strike the heading and insert the following:

''SEC. 2311. AUTHORIZATION OF APPROPRIATIONS.

On page 380, line 4, strike the quote and the period.

On page 380, between lines 4 and 5, insert the following:

''(c) FUNDING FOR NATIONAL TECHNOLOGY INITIATIVES.—Not more than .5 percent of the funds appropriated under subsection (a) may be used for the activities of the Secretary under section 2310.''.

AMENDMENT NO. 488

(Purpose: To provide for the conduct of a study concerning sexual abuse in schools)

On page 893, after line 14, add the following:

SEC. ____. STUDY AND RECOMMENDATION WITH RESPECT TO SEXUAL ABUSE IN SCHOOLS.

(a) FINDINGS.—Congress finds that—

(1) sexual abuse in schools between a student and a member of the school staff or a student and another student is a cause for concern in the United States;

(2) relatively few studies have been conducted on sexual abuse in schools and the extent of this problem is unknown;

(3) according to the Child Abuse and Neglect Reporting Act, a school administrator is required to report any allegation of sexual abuse to the appropriate authorities;

(4) an individual who is falsely accused of sexual misconduct with a student deserves appropriate legal and professional protections;

(5) it is estimated that many cases of sexual abuse in schools are not reported; and

(6) many of the accused staff quietly resign at their present school district and are then rehired at a new district which has no knowledge of their alleged abuse.

(b) STUDY AND RECOMMENDATIONS.—The Secretary of Education in conjunction with the Attorney General shall provide for the conduct of a comprehensive study of the prevalence of sexual abuse in schools. Not later than May 1, 2002, the Secretary and the Attorney General shall prepare and submit to the appropriate committees of Congress and to State and local governments, a report concerning the study conducted under this subsection, including recommendations and legislative remedies for the problem of sexual abuse in schools.

AMENDMENT NO. 507 AS MODIFIED

(Purpose: To provide that funds for mathematics and science partnerships may be used to encourage girls and young women to pursue postsecondary degrees and careers in mathematics and science)

On page 350, between lines 4 and 5, insert the following:

''(9) Training teachers and developing programs to encourage girls and young women to pursue postsecondary degrees and careers in mathematics and science, including engineering and technology.

AMENDMENT NO. 603 AS MODIFIED

(Purpose: To allow for-profit entities, including corporations, to be eligible to receive Federal funds under title IV, either through grants or contracts with States or direct contracts or grants with the Federal Government)

On page 440, lines 15 and 16, strike ''and other public and private nonprofit agencies and organizations'' and insert ''and public and private entities''

On page 440, line 22, strike ''nonprofit organizations'' and insert ''entities''.

On page 460, lines 7 and 8, strike ''and other public entities and private nonprofit organizations'' and insert ''and public and private entities''.

On page 483, lines 20 and 21, strike ''nonprofit organizations'' and insert ''entities''.

On page 489, lines 14 and 15, strike ''nonprofit private organizations'' and insert ''private entities''.

AMENDMENT NO. 645 AS MODIFIED

(Purpose: To provide for professional development for teachers)

At the end of title II, add the following:

SEC. 203. PROFESSIONAL DEVELOPMENT.

Section 3141(b)(2)(A) (20 U.S.C. 6861(b)(2)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii)(V), by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(iii) the provision of incentives, including bonus payments, to recognized educators who achieve an information technology certification that is directly related to the curriculum or content area in which the teacher provides instruction;''.

AMENDMENT NO. 485, AS MODIFIED

Mr. BINGAMAN. Mr. President, I rise to speak about my amendment supporting National Technology Initiatives. I'd like to thank my colleagues for accepting this amendment. My amendment seeks to ensure that a program of research be conducted to identify and disseminate the practices under which technology is effectively integrated into education to enhance teaching and learning and to improve student achievement, performance and technology literacy.

During a period when technology has fundamentally transformed America's offices, factories and retail establishments, we have come to understand that if America is to maintain its place in the global economy, we must transform our Nation's classrooms by infusing technology across the curriculum. One common element that almost everyone agrees upon for improving the Nation's schools has been the more extensive and more effective utilization of educational technology. We have

made progress. In large part, thanks to Federal funding under the e-rate program and the educational technology funds provided under a program that I sponsored during the 1994 reauthorization of the Elementary and Secondary Education Act, student to computer ratios—even in the Nation's poorest schools—have improved and Internet access is no longer reserved just for schools in middle-class or wealthy communities. More and more classrooms are equipped with computers and other kinds of educational technologies. Teachers and students are beginning to make use of the enormous learning potential that educational technology provides. In many schools and classrooms the use of educational technology has contributed in substantial ways to student learning.

We know that the use of educational technology in our schools is related to favorable educational outcomes but we need to know more. In 1997, David Shaw, the Chairman of the President's Committee of Advisors on Science and Technology (PCAST) outlined critical focus areas for educational technology research. Long term research designed to illuminate how technology might best be used to support the learning process was described. My amendment provides for such longitudinal research conducted through the Office of Educational Research and Improvement. In keeping with my ongoing interest in providing accountability for educational efforts, the research seeks to identify the conditions and practices under which educational technology is effective in increasing student achievement. Further, the research authorized under my amendment seeks to identify the conditions and practices that increase the ability to teachers to effectively integrate technology into the curriculum and instruction, enhance the learning environment and opportunities and increase student performance, technology literacy and related 21st century skills. Research of this nature is deemed critical to guiding our continued efforts to effectively infuse technology into our classroom activities. My amendment provides that the findings of this research be made widely available and sets aside a rather modest .5 percent of the federal technology funds for this purpose.

Recommendations from PCAST and other important stakeholder groups, including the Web-Based Commission and the CEO Forum, continue to emphasize the importance of conducting research about how educational technology works to enhance student learning. It seems likely that further experience with the use of educational technology in our schools will result in significant improvements over time in educational outcomes. However, such improvements are critically dependent on long-term rigorous research aimed at assessing the efficacy and cost-effectiveness of various approaches to the use of educational technology in actual classrooms. The questions that remain no longer relate to whether or not technology can be used effectively in schools. Rather the questions relate to how approaches to technology use in the classroom are in fact most effective and cost-effective in practice. I believe that this amendment will ensure that we will continue to find answers to these questions.

Thank-you.

Mr. KENNEDY. For the information of the Senate, we expect the vote on the amendment of the Senator from Rhode Island sometime in the later afternoon. There will be a proposal on behalf of the leadership that will indicate the exact time, but it will be sometime around 5 o'clock.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to make a couple of comments about the amendment to which I alluded with the Senator from Massachusetts just a moment ago. It has to do with impact aid. I think that is a very misunderstood issue.

Back in the 1950s when various Government programs and military installations and other land operations came in and took land off the tax rolls, that had a negative impact on our schools. I know in my State of Oklahoma we have five major military installations. While the amount of money that would be generated from the taxes is taken off the tax rolls, we still have to educate the children. For that reason, back in the 1950s a program was set up to replenish the money that otherwise would have gone to schools.

This is something everyone supports. However, since the 1950s, there has been this insatiable appetite for politicians to take money out of the system, and they have done this, so impact aid has dropped down to about 25 percent of funding.

Starting 3 years ago, I had an amendment to incrementally build that up. Hopefully, 4 or 5 years from now, we will reach the point where it will be 100 percent funded. This is the right thing to do. It is not partisan, liberal or conservative. It is something that has to be done. We have an amendment, and, I say to the Senator from Massachusetts as well as the Senator from New Hampshire, I appreciate their cooperation and willingness to include this in the managers' amendment.

As I say, we have passed this now for 2 consecutive years. We are slowly getting up to where we can properly take care of school districts that have been unfavorably impacted by the reduction in the tax rolls. I thank them for that and for their assurance this will be in a managers' amendment.

I yield the floor.

Mr. KENNEDY. Mr. President, as I understand the impact aid amendment, I am going to urge the support of that amendment. It will be included in the next group for consent. It is in the pipeline, and I have every expectation it will be so included and I thank the Senator for his cooperation on that.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am delighted to rise today to address another amendment, if the Senator from Massachusetts is ready for that?

Mr. KENNEDY. Yes. We are ready.

Mrs. CLINTON. I move to lay aside the pending amendment temporarily.

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

AMENDMENT NO. 517 TO AMENDMENT NO. 358

Mrs. CLINTON. Earlier in this debate, I came to the floor with colleagues from both sides of the aisle to focus on what I believe is one of our greatest national crises; namely, the shortage of teachers in our highest need schools. By that I mean schools that do not have qualified teachers, whether they are in inner cities, in older suburbs, or in our rural areas. I was very pleased we passed a bipartisan amendment incorporating many of the ideas that I and others brought to the floor, to provide needed resources to recruit and retain teachers, that will help our children meet high academic standards.

Along with qualified teachers and up-to-date resources, all students need to attend schools where we have high-quality principals who will work together with teachers and parents to create a learning environment that will maximize the achievements of every single child. But too many schools around our country open their doors every school year without principals in place or without the kind of high-quality principals every school should be able to have.

I really believe we would be remiss if we did not recognize that our schools are struggling to find principals, just as they are struggling to find qualified teachers. In fact, more than 40 percent of public school principals are expected to retire in the next 10 years. The problem is especially severe in our urban and rural areas, with 52 percent of rural districts reporting a shortage and 47 percent of urban districts.

In public schools in New York City, for example, 65 percent of our current principals are eligible to retire. In New York State overall, 50 percent of all principals are expected to retire in the next 5 years.

In any business, in any walk of life, if we thought we were going to lose half of our leaders, I think we would be quite concerned. I bring that concern to the floor because we simply cannot afford to lose the people who are supposed to be providing instructional leadership and direction to our teachers. That is why earlier this year I introduced the National Teacher and Principal Recruitment Act.

Today I am offering an amendment that reflects part of my bill focused on recruiting principals. It authorizes the Secretary of Education to offer grants to recruit and retain principals in high-need school districts through such activities as mentoring new principals,

providing financial incentives or bonuses to recruit principals, and providing career mentorship and professional development activities.

I believe if we are serious about educational reform, we have to be serious about recruiting and retaining qualified principals. If we are going to have a system that holds our students and our teachers accountable, we have to have somebody who is responsible for implementing those accountability measures. That, to me, leads us to call for the CEOs, if you will, of our schools. Those are our principals.

We need school leaders to guide our teachers and help our students to achieve high academic standards.

A 1999 report issued by the National Association of State Boards of Education characterized effective principals as ''the linchpins of school improvement'' and ''the gatekeepers of change.''

We know a similar study conducted by the Arthur Andersen consulting firm, of high- and low-performing schools in Jersey City and Patterson, NJ, found that the one attribute of all the high-performing schools we visited is a dedicated and dynamic principal.

I have been going in and out of schools, I guess, ever since I was in one myself but, as an adult, for nearly 20 years. And I know from my own observation and experience that the principal is the key. We can have great teachers, but if they are in a system or in a school that doesn't value their contributions and that doesn't work with them to do the very best they can, we are not going to get the results that we need.

In 1999, New York City schools opened their doors with 165 uncertified principals. In Buffalo last year, the school district faced 10 principal vacancies and only received 11 applications.

So they basically will put a warm body in wherever they can find one. And that is not a problem that is unique to New York. In Vermont, one out of five principals had retired or resigned by the end of the last school year. In Washington State, 15 percent of principals retired or resigned. And in Baltimore, 34 of 180 principals left in the last 2 years alone.

I absolutely would agree that an amendment is not going to turn this problem around, but we have to recognize the problem, be willing to admit its extraordinary depth around our country, and then try to put into place at the local, State, and Federal level efforts to try to fill the need.

We need efforts such as the one that is currently going on in New York City where the chancellor is providing additional training and support to principals who are new to the profession to help them believe they can make that kind of commitment to difficult schools that really need their leadership. The nonprofit New Leaders for New Schools Project is also trying to attract talented teachers into the ranks of our principals.

This amendment is a small step to support local and State efforts to recruit and retain the next generation of school leaders. I urge my colleagues to vote in favor of our principals and in favor of recruiting and retaining them.

In New York, Norman Wechsler, a former principal of Dewitt Clinton High School in the Bronx, illustrates the importance of this problem. He helped to lead that school from failure to success by raising the standards and holding students and teachers accountable for results.

It is very important that we recruit and keep such principals in our public schools or else the work we are doing so diligently, attempting to forge the kind of consensus we need to pass this education bill, will not have the results it should have.

This bill holds a lot of promise. It puts the Federal Government squarely on the side of accountability. It sets forth measurements that we will use to make decisions about schools. Yet if we don't have our teachers and principals in place to do this work, then it is just going to be another piece of legislation. It won't have the effect that we all want it to have.

I hope we will agree to this amendment that it is aimed at helping us address the Nation's principal shortage.

Mr. GREGG. Will the Senator yield for a question.

Mrs. CLINTON. Yes.

Mr. GREGG. Does the Senator wish to go to a vote at this time?

Mrs. CLINTON. Yes.

The PRESIDING OFFICER. I don't believe the amendment is pending just yet.

Mrs. CLINTON. I call up amendment No. 517.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 517.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a national principal recruitment program)

On page 309, lines 17 and 18, strike ''subsection (f)'' and insert ''subsections (b) and (f)''.

On page 339, line 6, strike ''(b)'' and insert ''(c)''.

On page 339, strike lines 7 through 16 and insert the following:

''(b) SCHOOL LEADERSHIP.—

''(1) DEFINITIONS.—

''(A) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency for which more than 30 percent of the students served by the local educational agency are students in poverty.

''(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(C) STUDENT IN POVERTY.—The term 'student in poverty' means a student from a family with an income below the poverty line.

''(2) PROGRAM.—The Secretary shall establish and carry out a national principal recruitment program.

''(3) GRANTS.—

''(A) IN GENERAL.—In carrying out the program, the Secretary shall make grants, on a competitive basis, to high-need local educational agencies that seek to recruit and train principals (including assistant principals).

''(B) USE OF FUNDS.—An agency that receives a grant under subparagraph (A) may use the funds made available through the grant to carry out principal recruitment and training activities that may include—

''(i) providing stipends for master principals who mentor new principals;

''(ii) using funds innovatively to recruit new principals, including recruiting the principals by providing pay incentives or bonuses;

''(iii) developing career mentorship and professional development ladders for teachers who want to become principals; and

''(iv) developing incentives, and professional development and instructional leadership training programs, to attract individuals from other fields, including business and law, to serve as principals.

''(C) APPLICATION AND PLAN.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

''(i) a needs assessment concerning the shortage of qualified principals in the school district involved and an assessment of the potential for recruiting and retaining prospective and aspiring leaders, including teachers who are interested in becoming principals; and

''(ii) a comprehensive plan for recruitment and training of principals, including plans for mentorship programs, ongoing professional development, and instructional leadership training, for high-need schools served by the agency.

''(D) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to local educational agencies that demonstrate that the agencies will carry out the activities described in subparagraph (B) in partnership with nonprofit organizations and institutions of higher education.

''(E) SUPPLEMENT NOT SUPPLANT.—Funds appropriated to carry out this subsection shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide principal recruitment and retention activities.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2002 and each subsequent fiscal year.

Mrs. CLINTON. Mr. President, I call for a voice vote.

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

The amendment (No. 517) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, we just completed the acceptance of approximately 10 or 12 amendments. We had a series of amendments that were accepted last evening, and we will have additional ones later in the afternoon.

At the request of the leaders, we have put off the votes hopefully until 4:30 this afternoon where we will have several votes on matters which have been debated. It is not the way I would like to proceed nor, I am sure, the way my friend and colleague from New Hampshire would wish to proceed. However, there are other considerations.

We have been able to move a number of these. We have disposed of a number of amendments. We have had some amendments which have been withdrawn, and we are going to talk to other colleagues. I have, through the staff, talked to each Member two or three times on their amendments. We are under a lot of pressure to reach a time definite for final passage of this legislation. We have tried to respect the fact that our colleagues have offered these amendments—they are important to them—and to accommodate their interests.

Quite frankly, we are reaching the point where I will join with those—I know this has been the position of my friend from New Hampshire—who believe that we ought to set a time definite and then go into a vote-athon, if people want to vote in that way, every 2 minutes. The Senate will have to work its will.

What is completely unacceptable is for Members, who have been on notice prior to the time we went on the Memorial Day recess, to now, in the mid-afternoon, believe they are not quite ready to deal with these. We want to put everyone on notice that we are getting to the point where we are going to urge that we have a time definite for final passage. There will be objection. They will come to the Chamber and object, and then they will go off. And when they are off, we will make the motion again. So they are going to have to come. That is the way it used to be done.

We want to accommodate our colleagues, but we want to be clear that this is serious business. If Members have amendments and they are serious about them, which I believe they are, they ought to be serious enough to come and offer and debate them. We are running into the situation where too many of our colleagues have been unwilling to do so.

Everyone understands there are a lot of different activities going on, particularly today. But there are always a lot of different activities every single day.

This is about education. It is about our children. It is about their future.

Senator REID will go back and call those who have the amendments. We should not have to do it. We should be hearing from our colleagues about the time. We will do the best we can to arrange it. But we are getting into the position now, after this week, where we are going to move towards reaching a time definite for final consideration. Then we will have an opportunity to dispose of these amendments.

I would like to support a number of them. A number of them would be helpful to the bill. But if we get into that kind of situation, it doesn't serve the cause, the amendments, or those who are offering the amendments well.

We will put in, starting tomorrow at least, the amendments that remain and the authors of those amendments and try, by publishing those amendments, to indicate which ones are remaining so that the American people know what the amendment is and who is offering it. Hopefully, we will be able to move this process forward. We have every intention of doing so.

It is a disservice to the children and to the parents in the country that we don't meet our responsibilities in this very important legislation.

I know my colleague, the Senator from Connecticut, will be here in a few moments. The good Senator from Wisconsin has a matter of great importance to bring to the Senate's attention.

I yield the floor at this time. Hopefully, we will have enough time to dispose of the Dodd amendment.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may be recognized as in morning business in order to introduce a bill.

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

(The remarks of Mr. FEINGOLD and Mr. CORZINE pertaining to the introduction of S. 989 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 459 TO AMENDMENT NO. 358

Mr. DODD. Mr. President, I call up amendment No. 459 for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. BIDEN, and Mr. REED, proposes an amendment numbered 459.

Mr. DODD. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

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

The amendment is as follows:

(Purpose: To provide for the comparability of educational services available to elementary and secondary students within States)

On page 134, between lines 11 and 12, insert the following:

(5) by striking subsection (d) (as so redesignated) and inserting the following:

"(d) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(A) A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

"(2) WRITTEN ASSURANCE.—(A) A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools in—

"(i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff;

"(ii) curriculum, the range of courses offered (including the opportunity to participate in rigorous courses such as advanced placement courses), and instructional materials and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards;

"(iii) accessibility to technology; and

"(iv) the safety of school facilities.

"(B) A State need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to require a jurisdiction to increase its property tax or other tax rates.

"(4) EFFECTIVE DATE.—A State shall comply with the requirements of this subsection by not later than the beginning of the 2003-2004 school year.

"(5) SANCTIONS.—If a State fails to comply with the requirements of this subsection, the Secretary shall withhold funds for State administration until such time as the Secretary determines that the State is in compliance with this subsection."

Mr. DODD. I ask unanimous consent to send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, have we seen the modification?

Mr. DODD. It is technical. I apologize; you have not seen it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 459, AS MODIFIED

Mr. DODD. Mr. President, I ask for consideration of the modification.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 459), as modified, is as follows:

On page 134, between lines 11 and 12, insert the following:

(5) by striking subsection (d) (as so redesignated) and inserting the following:

''(d) COMPARABILITY OF SERVICES.—

''(1) IN GENERAL.—(A) A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

''(B) A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

''(2) WRITTEN ASSURANCE.—(A) A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools in—

''(i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff, through programs such as incentives for voluntary transfer and recruitment;

''(ii) curriculum, the range of courses offered (including the opportunity to participate in rigorous courses such as advanced placement courses), and instructional materials and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards;

''(iii) accessibility to technology; and

''(iv) the safety of school facilities.

''(B) A State need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to require a jurisdiction to increase its property tax or other tax rates.

''(4) EFFECTIVE DATE.—A State shall comply with the requirements of this subsection by not later than the beginning of the 2005-2006 school year.

''(5) WAIVERS.—

''(A) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of this subsection for a period of up to 2 years for exceptional circumstances, such as a precipitous decrease in State revenues or other circumstances that the Secretary deems exceptional that prevent a State from complying with the requirements of this paragraph.

''(B) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under subparagraph (A) shall include in the request—

''(i) a description of the exceptional circumstances that prevent the State from complying with the requirements of this subsection; and

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

''(6) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of a State and regardless of whether the State has requested a waiver under paragraph (5), provide technical assistance to the State concerning compliance with the requirements of this subsection.

''(7) SANCTIONS.—If a State fails to comply with the requirements of this subsection, the Secretary shall withhold funds for State administration until such time as the Secretary determines that the State is in compliance with this subsection.''

Mr. DODD. The modification extends the time under which the provisions of this amendment ask the States to provide an additional 2 years for a waiver period.

I ask unanimous consent our colleague from Rhode Island, Senator REED, be added as a cosponsor.

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

Mr. DODD. I thank my colleague from Delaware, Senator BIDEN, for joining in this effort. I thank our colleague in the other body, a Member by the name of CHAKA FATTAH, of the city of Philadelphia, for being the source and inspiration of this amendment. He is behind this amendment, and he has very eloquently made the case.

This amendment has value and importance. I begin my brief comments by thanking the distinguished member from the city of Philadelphia and the State of Pennsylvania for his contribution in what I think is a worthwhile idea.

I expect this to provoke debate and even significant opposition. It may not pass, but at some point this issue must be addressed if we are ever going to effectively deal with some of the incredible inequities that exist across this great land of ours in servicing the 50 million children who enter our public schools as elementary or secondary school students.

I thank Senator BIDEN, Senator REED, and Congressman CHAKA FATTAH. The amendment encourages States to ensure that all students receive a comparable education as measured by class size, teacher quality, curricula, technology, and school safety. I note, of course, that the Presiding Officer is a former Governor. He will add particular value to this discussion and debate as someone who has had to grapple with these very issues.

The amendment allows States 4 years to comply and allows for a waiver of up to 2 years for extraordinary circumstances, such as the precipitous decline in State revenues or other circumstances that the Secretary of Education determines are exceptional that prevent a State from providing comparable education services to all students.

Equal opportunity, as we all know, is a very fundamental right in our society. It is why people from around the globe have dreamed of coming to this land, why thousands every day circle U.S. embassies all over the world seeking visas to come to the United States, seeking permanent status as residents. For over 200 years, the notion of equal opportunity has been a hallmark of our society. We don't guarantee success; we guarantee everyone an equal opportunity to achieving success. This amendment goes to the very heart of that discussion and that debate.

In 1965, we created the Elementary and Secondary Education Act—that was more than 35 years ago—to make equal opportunity the centerpiece of our educational laws. It is making a difference. A 1999 study found students receiving title I funds increased their reading achievement in 21 of 24 urban districts in America and increased their math achievement in 20 of 24 urban districts. I quickly add, while this is an improvement, it is not yet success. Clearly, we are heading in the right direction. Our common hope is that this bill, once adopted, adds to that success.

A study published earlier this year concluded:

> Whenever an inner city or poor rural school is found to be achieving outstanding results with its students by implementing innovative strategies, those innovations are almost invariably funded primarily by title I.

Title I is not making enough of a difference because we are still not providing school districts with sufficient resources, in my mind and in the mind of a majority of our colleagues, to close this achievement gap. During the debate, the Senate overwhelmingly adopted, by a vote of 79–21, an amendment I offered, along with my colleague from Maine, Senator COLLINS, to establish the goal of fully funding title I within the next 10 years. This education bill will require States to set a goal of having children be proficient in reading and math in 10 years. The least the Congress can do is to set a goal of providing school districts with the resources that will help children achieve those goals. That is the reason behind the amendment adopted so overwhelmingly just a few weeks ago.

Title I means more teachers, more professional development, more computers, textbooks, more individualized instruction, more preschool and after-school programs and other reforms that will be necessary, if, in fact, these students are going to continue to improve and achieve the accountability standards.

As the vote on the Dodd-Collins amendment demonstrated, even a strong majority of both parties support devoting more resources to education, particularly to the neediest students in our country, so those resources can be included in a budget resolution which could be stripped out by those who seek to reduce the support for title I.

No one questions the need to hold schools accountable for student achievement. Accountability without resources is an empty shell. This is a problem with virtually every State in the Nation.

According to the Department of Education, when comparing all districts in this country, high-minority districts receive less than other districts on a combined cost and need-adjusted basis. This means high-minority districts which may often have greater concentrations of high-need students, have less buying power, thus fewer resources to meet the needs of students in their schools.

Since high-minority districts in most States are operating with less total revenue than low-minority districts, these districts have less revenue to provide the educational programs and services their students need to achieve the high standards and prepare to enter higher education or the workforce.

In 42 of 49 States recently studied by the Education Trust, school districts with the greatest number of poor children had fewer resources per student than districts with fewer poor children. During the 1980s and 1990s, 43 States faced legal challenges to their school financing systems, calling for equity of resources and services. Many State courts held their systems violated State constitutions.

I do not intend to suggest by my remarks here for this amendment that States should unnecessarily become the targets of some opposition. That is a difficult problem that States are facing. My State is a classic example of one that has wrestled with this disparity of educational opportunity. These problems have deep roots, they go back a long way, and they affect States all across the country.

But we are going to say in this bill that in school districts, if there are schools there that are not performing and there is a series of steps and criteria they must meet, then we the Federal Government are saying to those districts: You are going to have to shut them down.

We have also even suggested at the national level that we might get rid of the Department of Education.

We are saying to local communities, do the following things or you pay a price. We even suggest at the national level, if we do not do certain things, something else may happen here. The one political equation that is sort of left out of all of this is at the State level. That is the one political entity that has an awful lot to do with determining what happens in terms of equality of opportunity within our respective 50 States. That is what this amendment is designed to do.

It says in this bill: Communities, you have to do a better job. It says the Federal Government has to do a better job.

What my amendment says is the third party to all this, the States, they also have to do a better job in seeing to it that there is equality of opportunity.

Let me cite, if I can, the example of my home State, Connecticut. In the 1980s, Connecticut, with an increasingly low-income, minority, and limited-English population, has pursued a constant strategy to try to ensure all its students are taught by high-quality teachers.

Just to put this in perspective, Connecticut is a relatively small State. It is about the size of Yellowstone National Park, if you want to use that as a comparative model. Yet within that same State, I have some of the most affluent Americans in the country. In fact, my State is often identified as the most affluent State on a per capita basis. I would quickly add that the city of Hartford, our capital, is the eighth poorest city, and Bridgeport and New Haven and Waterbury are not very far behind. In the midst of this very small piece of territory, I have great affluence and I have significant poverty.

My State is willing to try to provide some sharing of resources, if you will. As we know, in most of our States, education is funded primarily by local property taxes. So a child growing up in one of my more affluent communities—obviously there are more resources there to provide the full educational opportunity. In my poorer communities, that has not been the case. States wrestle with this. But I think it is not too much for us at the Federal level, since we are demanding so much of school districts, to also ask this of our States. We know it is not easy. We know it is going to be very hard for school districts to live up to this and meet all the obligations we are going to be demanding in this bill. But people like CHAKA FATTAH and JOE BIDEN and JACK REED of Rhode Island and myself believe it is also not too much to say to our States: We want you to do a better job at this as well because so much of the resources and determination are going to come from States.

Remember, the Federal Government contributes about 6 cents out of every educational dollar. Mr. President, 94 cents for the education of elementary and secondary school students comes from the States and localities, the bulk of it coming from localities in most jurisdictions. So we are saying to our States, as we are saying to our communities, we want you to do a bit better.

Today I point out my State, Connecticut, regularly receives top rankings in assessments of reading, math, science, and writing. Connecticut has also increased its targeting of resources to low-income school districts. The State provides 27 times more resources per student to the lowest income districts compared to the highest income districts.

Nevertheless, by and large we enter the 21st century with a 19th century system of providing resources for our educational system. In large part, we still do this, as I mentioned a moment ago, with local property taxes. That may have made sense in the 19th century, even in a good part of the 20th century when children in Hartford competed with children in New Haven, or maybe with children in New York—occasionally some child in Pennsylvania. That was true in the 19th century.

In the 20th century, of course, children growing up in my State or anyplace else across the country are not just competing with each other or neighboring States. They will be competing with children in Beijing, in Moscow, in Paris, in Sydney, Australia. It is a global economy and we have to have an educational system in this country that prepares all children to compete effectively in that kind of marketplace.

It is no longer enough in the 21st century to say we are going to leave this up to whatever the resource allocation may be in some rural county in the West, or some urban district in the East or Far West. We at the Federal level, I think, have to do more if we are going to be demanding greater accountability of students and school districts in rural and urban settings—then it should not be too much to ask it as well of our States. It made less sense, of course, as the 20th century progressed in this era of competition, but certainly it makes no sense as we enter the 21st century and children from Hartford, Chicago, and Los Angeles compete with children all over the globe.

The children today will be the first generation born, raised, and educated in truly a global economy. This amendment recognizes that by asking States, along with the Federal and local government, to share the responsibility—share it, so ensuring children's access to quality education is not dependent on how much money their parents make or their race or whether they live in a city or a suburb or rural area. Unfortunately, because of our current system, that is the case de facto. That is the case. Children growing up just a few short miles from each other have entirely different educational opportunities based on the total coincidence of their birth. In one locality that is poor, and one that is affluent, opportunity is not equal. It is not equal.

If we are going to truly talk about an Elementary and Secondary Education Act from a Federal perspective, a national perspective, then it seems to me we have to recognize that fact. There is not equal opportunity of education in America. So, if we do not begin to demand that more steps are taken to achieve that equal opportunity of education, then these resources, as we send them around the country without regard to what the States may be doing, ends up, I think, producing little improvement in the results we have seen over the last few years.

Schools with the highest concentrations of minority students have more than twice as many inexperienced teachers as schools with the lowest concentration of minority students. Schools with high concentrations of minority students are four times as likely as schools with low concentrations of minority students to hire teachers not licensed to teach in their main teaching field. Urban and rural schools, poor schools, are twice as likely to hire unlicensed teachers, or teachers who had only emergency or temporary licenses.

Of course, subject matter knowledge and experience make for better teachers and higher student achievement. We all know that. Yet according to a recent report, there is pervasive, almost chilling difference in the quality of teachers in schools serving poor,

urban, and rural students than those serving children in the more affluent communities in our country. Urban districts and poor rural districts suffer in the quality of curriculum. For example, they are significantly less likely than suburban districts to have gifted and talented programs to provide challenges beyond the regular curriculum. According to the Department of Education, white students are significantly more likely than African-American students or Hispanic students to use a computer in a school.

According to Education Week, students in the highest poverty schools are barely half as likely to have Internet access in their classrooms as students in the lowest poverty schools. Internet access is also a problem in rural areas, where it is expensive for companies to lay cables necessary for access. The director of technology for one rural district said: Not only is there a digital divide, but we live in it in rural America.

These disparities affect not only these children's educational achievement but their ability to find a job in an increasingly technological workplace when they finish school. Not surprisingly, these inequities also persist in the quality of school buildings that serve different children.

Schools with higher concentrations of minority students generally are in worse condition than those with lower concentrations of minority students.

Schools with more than 50 percent minority enrollment are twice as likely as schools with 5 percent minorities to be in temporary buildings or to be in inadequate condition.

Research has shown a direct relationship between the quality of the school's facilities and student achievement. Again, this goes to the accident of a child's birthplace: Two children, usually in the same State, with very different opportunities for achievement.

What we are asking in this amendment is for school districts to do better. We are asking ourselves to do better. Is it really some outrageous leap for the Federal Government to be asking the States to do better as well in seeing to it that there is a better allocation of resources to provide a greater equal opportunity for education?

We can't simply impose accountability, as I said earlier, on a system that allows one school to have lower class sizes, better teachers, more technology, and better materials and another school that has none of those things and expect that equal opportunity to exist.

President Bush and Secretary Paige have often said that every child has the ability to learn. I could not agree more. Every child has the ability to learn. Without question, the achievement gap is not the result of our children's failings. It is not their fault, not as they start out in school. It is not because poor kids or minority kids or urban kids or rural kids are any less smart or any less ambitious or any less determined to do well than their counterparts in more affluent districts.

No. It is largely because we have not supplied the same support to these poor children, and urban and rural children, and minority children in school districts around this country. It is the result of our failure to spend more than one penny of every Federal dollar for K–12 education. One penny of every Federal dollar—less than that—goes for the education of our children in this country. It is also the result of an outdated system of allocating resources at the State and local level.

This bill is about responsibility. We have heard that word used often during the debate on this legislation over the last number of weeks—about everyone who is involved in our children's education taking greater responsibility for their education. We are asking more from students, parents, teachers, schools, school districts, and the Federal Government. There is one word missing from that list. I have mentioned everyone responsible but one: States.

I know that my colleagues, from time to time, are reluctant to go back and talk about what Governors need to do. We are lectured all the time by Governors about what we can do at the Federal level. We are not afraid of talking about local mayors or school superintendents or PTA groups or school boards. Why should we be reluctant to talk to our Governors? They are not shy about asking us to do a better job. Is it too much to ask them to do a better job?

If we are going to withhold funds, as this bill does, from local school districts that do not perform better, is it too much to say to States, ''If you do not perform better, then we are going to withhold administrative costs''? We are not going to deny children title I funds, but let the States pick up the tab on the administrative costs. That is what this amendment says.

We give them about 6 years to achieve that. I am not pushing it. And there are cases pending all across the country. I know States are trying hard in many cases, but I also know school districts are trying hard. This is not about whether or not you are trying hard. We are saying to people: Try harder, because our kids deserve better than they are getting today.

So as we lecture school superintendents and school boards and parents and kids—and everybody else—I do not think it is going too far to say to the States: We want you to do better. That is what this amendment does.

In the 1960s, Dr. Martin Luther King asked: How long will it take? How long for an end to segregation? How long for an end to inequality under the law?

I ask today: How long will it take for us to refuse to tolerate an educational system in which educational opportunity—which is the foundation of all opportunity—is determined by a child's family income, or race, or accident of birth in a piece of geography that does not have the resources to support the tools a child needs to achieve his or her maximum potential?

The States need to do a better job. This Federal Government—this body—ought not to shy away from asking the States to meet that responsibility, just as we have asked children. If we can ask an 8-year-old child to do a better job, we can ask a Governor to do a better job as well. Those who are doing it need not fear this amendment. But those States that are not doing anything about it need to know there is a price they will pay if they neglect this issue.

I am not going to penalize a local mayor who is trying hard despite a Governor in a State who refuses to bear their share of the burden.

That is what the amendment does. That is what CHAKA FATTAH has talked about. That is what others have suggested over the years that we ought to say today. If we are going to be tough on kids, and tough on parents, and tough on school districts, and tough on mayors, and tough on the Secretary of Education, then let's also be a little tough on our States.

Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am a great admirer of the Senator from Connecticut. I enjoy working with him and always appreciate his creativity.

Mr. REID. Could I ask the manager of the bill to withhold briefly?

Mr. GREGG. Surely.

Mr. REID. Just so everyone knows—I have spoken to the manager of the bill, and Senator KENNEDY is aware of this—we are going to try to prepare a unanimous consent agreement immediately so we can have a vote at or about 4:30 on the Voinovich and Bingaman amendments.

Mr. GREGG. We might also vote on the Reed amendment at the same time.

Mr. BIDEN. Mr. President, there is no UC request pending, but I will ask a question. I would like to speak to this amendment for about 8 to 10 minutes.

Mr. REID. We will make it 4:45.

Mr. BIDEN. Whatever.

Mr. DODD. Senator CORZINE wants to be heard.

Mr. REID. We will make it 5 o'clock. We will try do all three amendments.

Mr. DODD. Then you can do all three.

Mr. GREGG. All right. We are not doing this amendment; just the Reed amendment and the Voinovich amendment and the Bingaman amendment.

Mr. DODD. We could do this one, too, and we would be done with it.

Mr. GREGG. I do not believe we can.

Mr. DODD. All right.

Mr. REID. I appreciate the Senator yielding.

Mr. GREGG. This amendment which is brought forward by the Senator from Connecticut, although benign in its phraseology, is pervasive in its effect. In fact, I am not sure there is another

amendment that is pending before this bill—although the Senator from Connecticut has one which is pretty pervasive in its effect—but I am not sure there is another one that would have a larger impact, a more substantive impact, a more dramatic impact on the educational system of our country than this amendment right here.

The unintended consequences of it are, I am sure, overwhelming. I am not going to even try to anticipate them. I just read the amendment a little while ago, so I am not totally up to speed on the unintended consequences. I can tell you what the obvious intended consequences are of what amounts to essentially a nationalization of the educational systems of this country.

Education has always been a local and State responsibility. But when the Federal Government takes the role of saying that the local and State governments shall have comparable educational systems, and will become the enforcer of those comparable educational systems across the Nation, it is no longer the function of the local and State governments, it is the function of the Federal Government. The Federal Government has taken that power.

Comparability, as it is defined in this bill, would mean that every community in every State in the country would have to comply equally and be the same as every other community on all sorts of issues. I cannot even anticipate all the issues—but all sorts of issues: The number of kids in the classroom would have to be exactly the same or comparable, the number of teachers would have to be exactly the same or comparable, the types of teachers would have to be exactly the same or comparable, the computer equipment in the school would have to be exactly the same or comparable, the size of the classroom would have to be exactly the same or comparable, the size of the library would have to be exactly the same or comparable, size of the parking lot, size of the playing fields, schoolday, use of the schoolday, courses offered, whether Latin is offered, whether English is offered in advanced cases, whether advanced calculus is offered, whether Spanish is offered, whether Japanese is offered, free time within the schoolday, whether students had clubs that were the same, whether all the schools had a climbing club, whether all the schools had a social outreach club, whether all the schools had an African-American society, whether all the schools had a historical society.

Comparability under this language means that essentially the Federal Government would suddenly become the arbiter of how every school in this country would operate in every piece of detail within that school system. This is the single most pervasive amendment I have ever seen at the Federal level in the area of education.

Some might argue the President's suggestion that every student in America should be tested is a pretty pervasive step. What the President said was that those tests would be decided at the local level. They would be designed by the State. Each State could have its own testing system, its own regime, and set its own standards. That is still pretty pervasive, I have to admit. But this goes a radical step beyond that. This essentially says that the Secretary of Education shall be informed by the States that every school in every system in every part of that State has a comparable capability in every function.

The impact of this is just really quite staggering. I have to wonder, for example, what it means to organized labor agreements. What happens if a labor union in one community in the State has negotiated for a different workweek for its teachers than the labor union in another part of the State or for a different ratio for its teachers or for a different certification of capability for its teachers. Are all those labor agreements suddenly out the window? It appears that way. It appears that either they are out the window, or the Federal support coming into the State is out the window because they aren't comparable and there is clearly not a comparable event there. It is pretty hard to make them comparable unless you are going to supersede collective bargaining as a concept in our society.

It is one thing for us, with 6 percent of the Federal budget of education at the local and State level, to expect them to deal effectively with low-income kids by requiring that those low-income kids not be left behind, which is what we have done in this bill as it is structured today, and to set up an output system where essentially we say we are going to leave it to you, the local school systems, to decide how you educate your children, but we are going to expect that low-income kids especially achieve and that they achieve at a level that is comparable with their peers and, if they happen to adopt the Straight A's Program under this, they actually achieve at a level that is better than their peers.

It is entirely something else for us to say because we are putting 6 percent of the funds in here, we are suddenly going to require that every community in every State be comparable. And if they are not comparable, they will not get the Federal support. That is a huge step towards the nationalization of our educational system. It is pretty specifically outlined in the amendment.

We need to read this because it is so overwhelming. Let's begin here:

> IN GENERAL.—A State that receives funds under this part shall provide services in schools receiving funds under this part that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.
>
> A State shall meet the requirements of subparagraph (A) on a school-by-school basis.

That means every school, every school in the State must be the same as every other school in the State as defined by the schools that are not title I schools.

> A State shall be considered to have met the requirements of paragraph (1) if such State has filed with the Secretary a written assurance that the State has established and implemented policies to ensure comparability among schools in—
>
> (i) class size and qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff, through programs such as incentives for voluntary transfer and recruitment;
>
> (ii) curriculum, the range of courses offered. . .

How expansive is this? This is just the most incredibly expansive intrusion into the actual operation of the local school system that you could possibly conceive of. We are demanding at the Federal level, because we decided to put 6 percent of the money into the local school system, that every local school shall have a comparable curriculum, a comparable staffing structure, a comparable qualification structure for its teachers. There are a lot of schools in this country that don't need comparable situations that deliver pretty good education and are not the same as their neighbor. And, in fact, that is what choice is all about, public charter schools. You create a charter school because you don't think that the school down the street, which is doing the public school work—and they are both public schools, by the way; I am not talking private schools here—but you create a public charter school because you think the public school down the street is not doing such a good job.

Under this amendment, I honestly think we can't have a charter school program anymore. Charter schools is probably the most creative and imaginative activity that is occurring in the public school system today. Across this country, parents and teachers are getting together to start charter schools because they see them as an opportunity to break out from the straitjacket of specific requirements that they get from their State school districts as to how to run their schools and create schools that teach, which is the option and the obligation, of course, of the school systems, and to teach well.

Across this Nation, you can go to city after city, especially urban areas, where the charter school is the one that is delivering the quality education to kids who before were getting very little in the way of education. I honestly think under this amendment, charter schools would essentially be wiped out. Either that or everybody has to be a charter school, but you can't have everybody being a charter school because charter schools by definition are different. That is the whole concept behind charter schools.

Then there is something called a magnet school. It was started in North Carolina. The magnet education school is in the area of math/science. It was

such a huge success that a lot of States have used it.

Mr. DODD. Will my colleague yield on this point for a little discussion?

Mr. GREGG. I will yield when I finish. I will be happy to discuss this further.

Magnet schools is the concept where you take a school that is a high-quality school and you draw kids into it who have special interests—math, science. Bedford-Stuyvestant in New York is a magnet school. There is one in Virginia in Arlington called Thomas Jefferson. And then, of course, there is the one in North Carolina that started the whole system.

I am wondering if under this amendment you can have magnet schools anymore, especially a magnet school that was a low-income, funded school because it would not be comparable. It would be too good. If you had a magnet school like they have in Houston, where it is, I think, 85 percent low-income kids, but it is excelling at an extraordinary level, that might not be able to function under this bill, or maybe it could, but the State would not meet the comparability standards here.

Comparability may sound like a benign word, but its practical implication is that we at the Federal level are demanding that we control the manner in which States develop their school systems—in a very precise way and in a way which creates a control system that is from the top down and that is focused on minutia, not on results.

The whole theme of the President's proposal, which was worked out and negotiated and passed out of committee 22–0, was that we would give flexibility to local school districts, flexibility to States to design programs that would address the needs of low-income kids specifically. And in exchange for that flexibility and the additional resources, we would expect results.

This amendment goes in the exact opposite direction. This says that in exchange for a small amount of money, you, the States and local school districts, are going to have to do everything the same, have everything be comparable. Comparability doesn't really have that much relevance to quality, as we have seen over the years.

So I find this amendment to be probably one of the most intrusive amendments I have seen come forward on this bill. If it passes, it would have the practical effect, in my humble opinion, of fundamentally damaging this bill and changing the entire course of its purpose. I am happy to yield to the Senator from Connecticut for what I know will be a thoughtful question.

Mr. DODD. I want to pick up on this radical idea of equal opportunity of education. I know this is terribly radical——

Mr. GREGG. Mr. President, I didn't yield for a statement. I yielded for a question.

Mr. DODD. I want to get to the point of radicalness, which my friend raised as the hallmark behind this amendment. I address this to my colleague.

Under existing Federal law, the question is, Do we not require State standards for curricula that are the same for every child, and any child who brings a weapon to school—by the way, you lose Federal funds if you don't—is automatically expelled by Federal law, or you lose funds? In addition, an individual education plan is required for every child with a disability, or you lose Federal funds. There must be comparable educational services within the school districts, or you lose Federal funds. That has been on the books, by the way, since 1965. The word ''comparable'' is not synonymous with identical. We are trying to do comparable opportunities or comparable curricula to achieve equal opportunity. We are not breaking new ground. My question is with this since we do it already in five or six areas. We have identified one that goes back at least 36 years.

Mr. GREGG. I respond by saying that you are breaking new ground. The application of the word is the manner in which you break new ground. ''Comparable'' applied in one manner means one thing, but applied to another manner means something else. If you are applying ''comparable'' to a school system within a city, that is one thing. When you say ''comparable'' within an entire State, it is entirely different. Furthermore, if you are, specifically within the terms of comparable, defining what comparable means by saying class size, qualification of teachers, curriculum, range of courses offered, you are essentially setting up the standards in a very top-down, directive manner of what is going to happen in the school systems across the State. You are saying that they essentially all have to be the same.

Now, if we are talking about opportunity, what the underlying bill does is create opportunity. That is the whole concept of this bill. This bill is dedicated to giving all the children in America—but especially the low-income child—the opportunity to succeed. We have now been through 25 or 35 years of an experiment in helping title I kids, and it has failed. One-hundred twenty-six billion dollars has been spent, and the average title I child is reading at two grade levels behind his or her peers. We know it hasn't worked.

So the President has said let's try a different approach, an approach focused on the child, giving that child an opportunity to learn.

That is exactly what this bill does. It says to the school systems: All right, we are going to give you flexibility, but in exchange we are going to expect success and we expect academic success equal to or better than what a child who doesn't come from a low-income family obtains. If you don't obtain that success, then there are sanctions. And there are accountability standards that are very aggressive to assure that we do obtain that success.

This bill supplies opportunity. I think to imply that it does anything else is to mischaracterize the bill. What this proposal does is essentially nationalize the system. It essentially says, from here on out, the Federal Government is going to be put in a position of saying that if every school district in a State isn't doing everything in a comparable way—I won't use it exactly, and you are right; they are not the same words—with class size, qualification of teachers, curriculum, range of courses offered, then we, the Federal Government, are going to stop sending you money and probably we have set up a lawsuit for you, the students, and the parents in those States.

You have to ask yourself, why is ''comparable'' better? What is better is to say we are going to give children a better chance to succeed, and we are going to find out if they are succeeding academically. That is what the bill does. Why is ''comparable'' better? Is it comparable to have the same number of Spanish teachers in Nashua, NH, and in Berlin, NH? Maybe Berlin doesn't need second language teachers and Nashua, NH, does. Is it better to have a comparable number of technical teachers in the area of some local industry, where the kids are being trained to be able to participate in one part of the State or another part of the State, when maybe their industries are not the same?

Comparability doesn't lead to quality. What it leads to is mediocrity. So I just say to my colleague from Connecticut that I understand the desire to produce quality education. I think the way you get there is by focusing child by child, not by taking a broad brush and applying it to the entire universe of education and saying the Federal Government is going to tell you how to do it.

Mr. REID. Will the Senator yield?

Mr. GREGG. Yes.

Mr. REID. Mr. President, I know there are a number of Senators we have danced around today trying to figure out a time to vote. Prior to this unanimous consent agreement, which will require beginning 5 minutes of discussion at 5:10, the Senator from Delaware, Mr. BIDEN, wishes to speak for about 15 minutes of the approximately 30 minutes that we have on this Dodd amendment.

With that in mind, I ask unanimous consent that at 5:10 p.m. the Senate resume consideration of Bingaman amendment No. 791, that the Bingaman amendment be modified to be a first-degree amendment, and that following 5 minutes of closing debate, equally divided in the usual form, the Senate vote in relation to the Bingaman amendment at 5:15.

Further, following disposition of the Bingaman amendment, there be 4 minutes of debate divided in the usual form on the Voinovich amendment No. 389, as modified, followed by a vote in relation to the Voinovich amendment.

Further, that no second-degree amendments be in order to these

amendments. I say to everybody within the sound of my voice that we will have two votes, first at 5:15, and the other following that.

Mr. GREGG. Reserving the right to object, did the Democratic assistant leader decide he didn't want to do the Reed amendment?

Mr. REID. Yes. We are going to try in the morning to dispose of the Dodd and Reed amendments.

We are unable to do that because of the lateness of the hour.

Mr. GREGG. I have no objection.

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

Mr. GREGG. Mr. President, I believe I reserved the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I understand the Senator from Delaware wishes to speak. I will not go much further, but only to say, for what it is worth, relative to this education bill, it appears to me we have wandered into an extremely difficult situation. This amendment is, in my humble opinion, a significant blow to the underlying purposes of the bill which have been worked through involving a lot of compromise and a lot of effort. Obviously, we are not going to vote on it tonight. I am hopeful it will be reconsidered before any time we even consider voting on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator from New Hampshire for allowing me the opportunity to speak to this amendment.

With all due respect, I think the arguments of the Senator from New Hampshire would be better reserved for the New Hampshire Supreme Court than for the U.S. Senate. We are not nationalizing anything. There is nothing in the Dodd-Biden amendment that requires a national standard. We do require a State standard.

My friend says this bill is all about flexibility. It reminds me of a track meet. The rich kids can have brandnew track shoes and starting blocks for running the 100-meter race, and the poor kids can have flexibility. They can decide to run in long pants or short pants. They can decide whether or not they want to wear a sweat shirt or T-shirt. They can decide whether they want to run frontwards or backwards. They do not get track shoes and starting blocks, but they have flexibility. You can wear whatever color you want. You can wear long pants or short pants. You can run backwards or forwards. You can do cartwheels on the way down the track. But you do not get those spikes. You do not get those starting blocks. Guess what. You get judged. You get judged where you finish, and if you do not finish 1, 2, or 3, you are out.

That is the track standard set. The NCAA of track says: Hey, here's the deal. If you don't finish 1, 2, or 3, go home. You don't get to run anymore. You don't get to go on to the next step. But we gave you flexibility, all the flexibility you want, man. You could have done this with a dashiki on or you could have done this with a T-shirt on. You could have done this in a suit, or you could have done this in short pants. You have flexibility.

Not only flexibility matters. Maybe I have been doing this criminal justice stuff too long. I realize I do not know as much as my friend from Connecticut does about education, nor my friend from New Hampshire, whom I do not know as well, but I know my friend from Connecticut knows so much more. He has made a career of knowing this. I have made a career of understanding the criminal justice system—how you deal with crime, stop crime, affect it, and so on.

After all the years I have done it, it comes down to a few basic facts. If there are four corners, three cops on one corner, no cop on another, and there is going to be a crime at the intersection, it will be committed where the cop is not.

We also know when you are engaged in armed robberies or engaged in purse snatching, you tend not to do that when you get to be 40 years old because it is hard as heck to jump over that chain link fence with the cops chasing you. As you get older, you slow down and tend to get less violent. We know that. What we ate for breakfast, where we were raised, how we related to our mothers, what our education was—we have a lot of theories about how that impacts on crime, but we do not know.

What we do know about education is basic. We know if you get two kids of comparable talent or lacking in talent and you put them in a classroom with 70 kids and 1 teacher, they are not going to do as well as if you put them in a classroom with 3 kids and 1 teacher. We know the more focused the attention, the closer to one on one you can get, the product being the same, the better chance you have of succeeding.

We also know if you have books that are legible and available and every student has one—same students, same IQ, same background, same everything—the kids with the good books are going to do better than the kids with the bad books.

My Walter Mitty dream was to be a professional athlete. A phrase my coach used was: A good big man can always beat a good small man. A phrase in athletics is: A good fast woman can always beat a good slow woman. There are certain truisms.

Two kids with the same talent, whether they have a 90 IQ or 190 IQ, whether they are creative, not creative, put them in a large class with a comparable group of people, and they are not going to do as well as when you put them in a small class of a comparable group of people. If you put them in the same classroom with a good teacher versus a bad teacher, they are going to do better with a good teacher. There are basics.

What do we know about how education works? My friend says we are going to nationalize. What we are trying to do is what States are trying to do right now and what my State has already done. We are trying to do what title I now requires.

I am going to use the word ''comparable'' comparably. Right now, ''comparable'' is used in the statute that exists to say that if you get title I money, every school in that school district has to have a comparable educational system. That is all the Senator from Connecticut did.

Why did he do it? Why did I join him? Why did I ask him to do it? I was going to offer this amendment because my friend, CHAKA FATTAH, with whom I worked for a long time in the House of Representatives—I am not on the committee, so I went to my friend from Connecticut and said: I want to do this.

He said: I am already going to do it.

Why did he decide to use that word ''comparable''?

Guess what. My friend from the State of New Hampshire says he wants a national standard. We did not say we want a national standard. The President said he wanted a national standard. My friend from New Hampshire wants a national standard. They want to judge how fast every kid can run. They want to judge how fast every kid can read. They want to judge how well every kid can write.

OK, fine, but do not do to those kids the same thing as my fictitious example on the track. Do not judge the kid who comes from a school district where they spend $5,000 per pupil, with teachers who have their teaching certificate in the area in which they teach—do not judge them by the same standard that you are going to judge kids who have $1,500 spent on them per pupil, who have a majority of teachers who are not certified in the area they teach, who teach in classrooms that are leaky, some of them unsafe, and without an adequate number of textbooks.

As my dad would say: Give me a break. I do not think the Federal Government can or should, or any government should, decide to equalize everything. As one former President said, life is unfair. Certain things Government cannot do.

The Government cannot dictate you to be 6 foot 2, if that is what you want, or 5 foot 9. The Government cannot dictate that everybody will have the voice of Barbra Streisand or some famous male singer—whoever the heck you like. Life is unfair.

I was born with no talent musically and maybe with nothing else. The Federal Government cannot say: You know what: Guaranteed, JOE BIDEN cannot do what he wants to do, be a flanker for the New York Giants. That is truly what I wanted to be. Life was unfair. At 6 foot 1, 155 pounds, I did not have the talent of Tommy McDonald who was that small and played for the Philadelphia Eagles in the sixties. They cannot fix that.

Let me tell you what we can fix. We have an obligation to fix the things we can fix. If you are going to hold a kid to a standard, darn it, give him an equal opportunity, at least in his own State. Give him a shot.

Do my colleagues know what this reminds me of? The first African American ever admitted to the bar in the State of Delaware was Louis L. Redding. He took the bar in 1928. There were 13 or 14 people who took the bar that year. Twelve took it in one room with one test, and Louis L. Redding took it in another. They gave him a completely different test. No one on this floor today would say that is fair. I don't think anybody would say that is fair.

In a public system with one school district, and I don't care whether the kid is black or white, whether the child is Hispanic or Asian, if the child is slow or smart, it is unfair to take a very bright white kid in a school district where they spend $1,000 or $2,000 less per pupil than the other school where the bright white kid gets $2,000 more spent on him—that may be the difference between going to my State university and Harvard University—it is clearly not fair for the kid born into the district that has no tax base, where the businesses have moved out, where the average home is one-fourth the value of the neighboring school district, and say: judge them by the same standard.

There is enough inequity built into life. I will never forget when I was a widowed father; it was the first time it came to me: why it is so incredibly important there is diversity on the floor, including women, with a woman's perspective. I found women to be no slower, no brighter, no less venal, no more generous, no less generous, than men. I know I will get in trouble for saying that, but it is true.

I used to not understand why we didn't hold the kid who came out of the ghetto accountable, the mother with two kids making, by today's standard, $16,000 or $18,000 a year. We hold her kids to the same standard that we hold a kid who comes from a family with a combined income of a couple hundred thousand bucks, living in a great area, and attending great schools. The government can't do anything about that. I wish life were fair.

I remember as a single father raising two kids. I was a Senator. My sisters helped me raise my kids; my mother was available; my brother moved in to live with me. I had great help, and I had trouble. It is the first time I thought about my secretary raising kids by herself. I thought, my Lord, what an inequity.

We are not asking the government to fix that. We are asking the government along the way to make it equal and give leave for when your child is sick and things such as that. But here government is mandating. Depending on where one stands is how one views things. My friend views this piece of legislation as intrusive, nationalization of the school system. I view this legislation as an unfunded mandate. We are mandating that every school in America meet a standard, every school in the State meet a minimum standard. We are mandating that. We are telling them if they don't, they don't get Federal money. I am oversimplifying in the interest of time.

If I said to my friend from New Hampshire, you have to mandate that every drinking water system in the State of New Hampshire meet a certain standard, he would be the first one, with his colleagues on the floor, screaming about unfunded mandates, unfunded mandates, setting health standards, setting environmental standards, and not giving us any money.

This is not an unfunded mandate? I don't get this. How is this not an unfunded mandate?

Mrs. BOXER. Will the Senator yield?

Mr. BIDEN. I yield.

Mrs. BOXER. First, I thank both of my colleagues, Senators DODD and BIDEN.

I will clarify a few of the key points. The Senator from New Hampshire, Mr. GREGG, said Senator DODD and Senator BIDEN were introducing an entirely new concept and throwing this bill away from the direction it was heading. Then the Senator from Delaware showed that the word ''comparable,'' which Senator GREGG said was a new word in this debate, is already in the law, and we expect comparability within school districts or the States lose some of their Federal funding. Am I not correct on that point?

Mr. BIDEN. That is exactly correct. Reading from the Elementary and Secondary Education Act, the Committee on Education in the Workforce, U.S. House of Representatives, page 54, under section 1120(c):

(c) COMPARABILITY OF SERVICES.—

(1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

Mr. GREGG. Will the Senator yield, since the Senator used my name?

Mrs. BOXER. I have another question.

Mr. BIDEN. I will yield after the Senator asks her next question.

Mrs. BOXER. What the Senator has established is that Senator GREGG's critique that the word ''comparability'' is, in fact, a new word and new concept, is not true? It is blatantly false?

Mr. GREGG. Will the Senator yield?

Mrs. BOXER. If I can follow up to finish, and taking it another step, it seems to me the current law is pretty darned tough, saying the districts lose all title I funding if we don't have this comparability within a school district.

I say to my two friends who have offered——

Mr. GREGG. I take it the Senator is not yielding?

Mr. BIDEN. I will be happy when she finishes the question to yield to you.

Mr. GREGG. Since my name has been addressed two times, inaccurately, I think it would be appropriate to yield.

Mrs. BOXER. If I could ask just this question, is it not a fact in your amendment what you are merely saying—frankly, I think it is a pretty weak excuse for being critical; it is a pretty modest amendment—the Senator is saying that the government has to send a letter indicating, in fact, that the kids are being treated pretty comparably, whether they are born in an urban area, rural area, or suburban area. Whatever area they are in, whatever they look like is immaterial, just that they are getting a comparable education. If the Government doesn't send such a letter, as I read this legislation, only 1 percent or so of administrative funds will be withheld because we want to hold the States accountable to each child. Am I correct in that synopsis?

Mr. BIDEN. The answer to the question is yes.

I am happy to yield to the Senator for a question without losing my right to the floor.

Mr. GREGG. I ask the Chair the situation relative to the time.

The PRESIDING OFFICER. At 10 minutes after 5 o'clock, 5 minutes will be equally divided, and that precedes a vote on the Bingaman amendment.

Mr. GREGG. I thought the Senator from Delaware had 15 minutes.

The PRESIDING OFFICER. That was not part of the formal agreement.

Mr. GREGG. I simply note that I believe it is the proper decorum of the Senate when a Senator's name is used, and especially when a Senator's position is misrepresented, for a Senator to yield.

Mr. BIDEN. I did yield.

Mr. GREGG. I appreciate that. Unfortunately, the Senator from California did not appear to be inclined to participate in that yielding.

Mrs. BOXER. Mr. President, I was asking a question. I said I would be happy to stop when I finished asking the second question. I didn't even have the floor. Senator BIDEN had the floor and was graciousness enough to yield to me to clarify some of the comments made against his amendment by the Senator from New Hampshire.

Mr. GREGG. I will simply ask the Senator from Delaware a question. Is it not appropriate when a Senator uses a Senator's name and inaccurately characterizes a Senator's position, that Senator have an opportunity to respond?

Mr. BIDEN. Mr. President, this is getting kind of silly. If the Senator wants to respond, respond. I am delighted to yield to him to respond. There was no intention to in any way affront the Senator.

The Senator from California asked me a question. She did not have the floor; I had the floor; and I yielded to her for a question. You walked on the

floor. As soon as she finished, I yielded to you because your name was mentioned.

Mr. GREGG. I am delighted that the Senator is yielding, but in accordance with the rules, I believe I must formulate my response in the form of a question.

Mr. BIDEN. I do not want to lose my right to the floor for the next 10 minutes. The Senator spoke for the last 25 minutes. I want to speak. Give me an idea. I will be happy to give you the time.

The PRESIDING OFFICER. The Chair will remind the Senators they should address one another in the third person or through the Chair.

Mr. GREGG. Mr. President, I ask the Senator from Delaware to yield 2 minutes.

Mr. BIDEN. I am delighted to do so, reserving my right to the floor.

Mr. GREGG. Reserving the right to the floor afterward.

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

Mr. GREGG. The Senator from California on two different occasions misrepresented my position on this floor. My position is that the term ''comparable'' exists in the law. In fact, I referred to that when I spoke with the Senator, when we exchanged discussion with the Senator from Connecticut.

I pointed out, however, in the terms it is used in the law as it presently exists, it is a much more confined word than the manner in which it is being applied in the amendment of the Senator from Connecticut. Under the proposal of the Senator from Connecticut, he has taken the term ''comparable'' and expanded it in a manner which essentially amounts to the Federal Government taking over the ability of school systems across this country to be independent, to act in an independent way and to create a curriculum, class size ratio, and the operation of the regular day for the student in a manner that is independent and maintains local control.

That is the issue here, whether or not we are controlling from the top or whether we are controlling at the end. What the President has proposed is to bring all American students who are under title I up to a level of proficiency that is equal to or better than that of their peers, and to assure the accomplishment of that, to allow the local school districts the flexibility to accomplish that. But in the end, to expect that to be obtained by having the local student subject to a testing regime which shows the student has accomplished those goals. That is the purpose of the President's proposal.

The opposite is being accomplished, if this amendment is agreed to, which is basically to have the Federal Government come in and control the input of the school day, school curriculum and the classes.

I appreciate the courtesy of the Senator from Delaware for allowing me to respond.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. Mr. President, I am sorry the Senator from New Hampshire was not here when I was speaking. If you give me just a second, in case his name comes up again so he understands the context in which I used his name, the Senator says—which is, on its face, a sound argument—that ''comparable'' may not in fact be comparable. We are using the language, in our amendment, ''comparable,'' which is on line 5 of page 1 of the amendment, in ''comparability of services.'' We are using the words ''comparability of services'' in a comparable comparison. That is, it is the exact language used in the existing law relating to title I, which says ''comparability of services'' in Section 1120A subsection c.

The second point I would like to make to my friend is that we are not nationalizing anything. Let's understand what this does. Right now, if Houston or North Carolina has a charter school, that charter school has to have comparable services that exist within that school district, or they could not have the school. It could not be a public school. So all we are saying is you should do—and I apologize for saying this—what we do in Delaware.

In Delaware, the State funds 70 percent of the funding of every school district, every school in the State. Not just the district, every school in the State. We have comparable funding, comparable education, required by our law. It is not unlike what the Supreme Court in the State of New Hampshire said, in the decision I have in my hand, if I am reading it correctly, saying that your Supreme Court dictated—they didn't use the word ''comparable,'' but dictated that there be ''essentially equal services.''

So there is nothing new about this. I view this as an unfunded mandate. You view it as national intrusion. If you are going to insist on a testing regime which I think does not make a lot of sense, and force my State to have to comply in order to get any Federal funds, then it seems to me I have a right to say you are dictating an unfunded mandate because you are requiring some of the kids in the States in this country, where 20, 30, 40, 50 percent less is spent and where 70 percent of their teachers are not certified in the area for which they teach, in classrooms which leak, in buildings which are in some cases a trap, and say to them we are going to hold you to the same standard or your State is not going to get money. That is an unfunded mandate to me. To me, that is an unfunded mandate.

All we are saying is, as we did when we talked about title I, you are mandating to a State what they have to do. I am saying: OK, mandate to the State but fund it. Fund it. Make it fair.

Again, I realize time is getting close here for our vote. I am going to have to yield the floor, not my right to the floor but yield for the vote. It seems to me, if you take a look at the facts, what we are talking about here is just simple, basic fairness. If you take two children from the same background, same intellectual capability, same amount of gray matter, same everything, and you give one kid less attention, you give one kid books that are not as good, you have one kid taught by an inferior teacher and one by a good teacher, those two comparable kids will end up scoring differently. They will score differently on the test.

They may both pass it. They may both do extremely well. But the one with the better teacher, the one who had more attention lavished on him, the one with the better materials, the one in the safer environment, is almost surely going to score better.

So it seems to me all we are talking about is simple fairness. I view this as a value issue. The Senator from New Hampshire and I have a different value system on this issue. I respect his. He is not wrong. He just has a different value system than I do. I value the notion that all children, if they are held to the same standard, should have the same opportunity. If the Government is going to impose a standard, then the Government should see that they have the same opportunity. That is a basic value I have.

He thinks the value of the State schools being able to have one group of kids in one school where they have lousy teachers, where they have lousy buildings, where they have little money spent on them compared to another, that what he values most is the right of the State to do that. I respect that. I respect that. I disagree with it. We have a different value system. This is the debate about values.

Parliamentary inquiry. When is the Senator from Delaware to cease so we can begin the next vote?

The PRESIDING OFFICER. The Senator from Delaware has 35 seconds.

Mr. BIDEN. Parliamentary inquiry. After the two votes, does the Senator from Delaware retain the floor on this amendment?

The PRESIDING OFFICER. Not automatically.

Mr. BIDEN. I will not ask unanimous consent to do that, but I will be around to continue this debate. I thank my friend from New Hampshire for whom I have great respect. We just have a different value system about education.

AMENDMENT NO. 791, AS MODIFIED

The PRESIDING OFFICER (Mr. DURBIN). There are now 5 minutes evenly divided before the vote with respect to the Bingaman amendment.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, parliamentary inquiry. As I understand it, following the vote on the Bingaman amendment, the next item of business is the vote on the Voinovich amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, let me describe to the other Senators what

the choice is on these two amendments. I have offered the amendment on behalf of myself, Senator HATCH, Senator KENNEDY, and Senator DOMENICI. I ask unanimous consent that all of those Senators be added as cosponsors.

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

Mr. BINGAMAN. The amendment I am offering makes it clear that Governors should be consulted with regard to the Elementary and Secondary Education Act plans which are involved in this legislation but that the Congress is not going to override the provisions States have adopted in their constitutions and in their statutes for organizing and administering their educational programs.

The Voinovich amendment—which is the second vote—in my view, is objectionable because it will give a veto to the Governor over any State plan for the expenditure of the Federal funds in that State. My State does not allow the Governor a veto. It has a provision for the Governor to appoint five members of our State school board—to be involved in that way. But the State school board has the responsibility under our constitution.

I want to see to it that Congress does not try to override my State's constitution and the constitutions and statutes of quite a few States which have their own ways of administering their educational programs.

For that reason, I urge my colleagues to support this amendment that, again, I am offering on behalf of myself, Senator HATCH, Senator KENNEDY, and Senator DOMENICI. I believe this will preserve the existing arrangement we have between the Federal Government and the States. It will allow the States to exercise their sovereign right to determine how they will administer their educational programs.

So I urge my colleagues to support this amendment. And when the time comes, I or Senator KENNEDY or somebody will urge that the Voinovich amendment not be adopted, which is the vote following this vote.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Ohio, Mr. VOINOVICH, is recognized for 2½ minutes.

Mr. VOINOVICH. Mr. President, the Senate has before it two approaches to giving the Governors of our respective States an opportunity to participate in having some input in the plan that a State submits to the Secretary of Education as to what will be done with the Federal money under ESEA.

When I originally offered my amendment, there was some concern on the part of my colleagues that this amendment might violate State law or the constitutions of the States. Earlier today I modified our amendment to provide that the signature of the Governor would not be required on the application to the Department of Education in the event there was a State constitution or State law that prevented it.

It has been argued by the Senator from New Mexico, and the Senator from Massachusetts, that this legislation would be a veto on the part of the Governors of the States over the wishes of the State superintendents of education. I think that by requiring the signature of the Governor, as contrasted to consultation, you are going to have a situation where you enhance the application because it will force the Governor and the chief State superintendent to work together in promoting the plan for the spending of that money. In too many States, the Governors and the State superintendents of education do not speak to each other on such matters.

When we came up with ESEA in 1965, the Governors were not as involved as they are today. But, I say to my colleagues, if you go to your State and ask your citizens, do you believe that the Governor of your State signs the application to the Secretary of Education for Federal money? the answer 95 percent of the time will probably be yes and they would be wrong, even though the Governors are being held responsible for education.

All we are saying is, rather than taking the approach as suggested by Senator BINGAMAN and Senator KENNEDY, rather than consulting, we require that the Governor's signature be on that application. Most of us know that if we have to consult with somebody, and they know our signature isn't necessary, there ''ain't'' much consultation that takes place.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

The question is on agreeing to amendment No. 791, as modified, offered by the Senator from New Mexico, Mr. BINGAMAN.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) are necessarily absent.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea.''

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

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—59

Akaka	Byrd	Dodd
Baucus	Cantwell	Domenici
Bennett	Carnahan	Dorgan
Biden	Chafee	Durbin
Bingaman	Clinton	Edwards
Bond	Cochran	Ensign
Boxer	Collins	Feingold
Breaux	Conrad	Feinstein
Brownback	Corzine	Graham
Bunning	Daschle	Harkin
Burns	Dayton	Hollings
Inouye	Lincoln	Schumer
Jeffords	Lugar	Smith (OR)
Johnson	Mikulski	Stabenow
Kennedy	Murray	Thompson
Kerry	Nelson (FL)	Thurmond
Kohl	Reed	Torricelli
Landrieu	Reid	Wellstone
Leahy	Rockefeller	Wyden
Levin	Sarbanes	

NAYS—39

Allard	Gregg	Nelson (NE)
Allen	Hagel	Nickles
Bayh	Helms	Roberts
Campbell	Hutchinson	Santorum
Carper	Hutchison	Sessions
Cleland	Inhofe	Shelby
Craig	Kyl	Smith (NH)
DeWine	Lieberman	Snowe
Enzi	Lott	Specter
Fitzgerald	McCain	Stevens
Frist	McConnell	Thomas
Gramm	Miller	Voinovich
Grassley	Murkowski	Warner

NOT VOTING—2

Crapo	Hatch

The amendment (No. 791), as modified, was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 389, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there are 4 minutes evenly divided under the Voinovich amendment No. 389, as modified. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, the Voinovich-Bayh amendment fundamentally requires the Governors of the 50 States to sign the application that is submitted to the Secretary of Education for the expenditure of funds under the ESEA. It is in contrast with the Bingaman amendment that was just adopted which says consultation should take place with the Governor rather than having the Governor's signature.

I argue there is not much consultation that will take place unless a Governor's signature is also required on that application.

Most Senators know that the Governors of the 50 States are the ones who are held responsible for the education programs in their States. Our amendment recognizes some State constitutions and laws preclude participation by the Governor, and we exempt any State with a constitution or law which does not allow the Governor to participate.

This amendment is supported by the bipartisan National Governors' Association unanimously. They have asked for it because they believe consensus on education in the States is needed. It will make it easier to leverage State resources, and it also will provide more accountability.

I yield the remainder of my time to Senator BAYH.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 25 seconds.

Mr. BAYH. Twenty-five seconds, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. BAYH. I need to be briefer than normal.

I support this amendment for the practical reason that States will continue to pay for 94 percent of State and local education expenditures. If we are going to make the progress we need to make for America's schoolchildren, we need States leading the way along with the Federal Government. That means Governors cooperating and leading the way. I have never seen a major State education reform effort enacted without the aid and assistance of the Governor.

This amendment will require the Governor and chief State school officer to work together. We need that to make this reform work.

Mr. FEINGOLD. Mr. President, I must oppose the amendment to S. 1, the BEST Act, offered by the Senator from Ohio, Mr. VOINOVICH.

This amendment would require the State educational agencies, SEAs, to ''jointly prepare a plan to carry out the responsibilities of the State . . . including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.'' This would clearly supercede the Wisconsin State Constitution.

Article X, Section 1 of the Wisconsin Constitution states: ''The supervision of public instruction shall be vested in a state superintendent and other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed in law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as member of the supreme court, and shall hold office for 4 years. . . .''

The Federal Government should not supersede the Wisconsin Constitution by requiring the duly elected Superintendent of Public Instruction to have the Governor sign off on proposals submitted to the federal Department of Education.

I urge my colleagues to oppose this amendment. I supported the amendment offered by the Senator from New Mexico, Mr. BINGAMAN, which would provide for coordination between the SEA and the Governor without infringing on the independence of the SEA.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, those who voted for the last amendment which I offered on behalf of myself, Senator HATCH, Senator KENNEDY, and Senator DOMENICI, voted to allow States to continue to make the decision as to how they administer their education programs and their education funds. In my view, that is the appropriate position for us to take in the Senate.

The amendment the Senator from Ohio is now offering would, in fact, give the Governors a veto over any State plan, regardless of whether that is the way a State has decided to administer their State educational funds. It would totally override the State constitution in my State. It would override the State constitution in many States. I urge my colleagues to oppose it.

I yield the rest of my time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Ohio said the Governors support his amendment. All the State, local, and county officials support the Bingaman provisions. We are saying if the State has made the decision to let the Governor run education, then they ought to be the ones to make that decision. If the State makes the decision to let the State educational agency make that decision, the Bingaman amendment also makes that decision but permits the Governor to be consulted.

Talk about States rights. We are letting the States make the decision who is going to make the judgment. The Voinovich amendment overrides any State decision that says they are going to let the State agency do it and insists the Governor do it. We have not had a hearing on it. Naturally, the Governors are for it, but the State and local educators are strongly opposed to it.

The Bingaman amendment permits consultations. That is the way we ought to proceed.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 389, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. HATCH) are necessarily absent.

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

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—40

Allard	Gregg	Nickles
Allen	Hagel	Santorum
Bayh	Helms	Sessions
Bennett	Hutchinson	Shelby
Carnahan	Hutchison	Smith (NH)
Carper	Inhofe	Snowe
Cleland	Kyl	Specter
Collins	Lieberman	Stevens
Craig	Lott	Thompson
DeWine	McCain	Thurmond
Fitzgerald	McConnell	Voinovich
Frist	Miller	Warner
Gramm	Murkowski	
Grassley	Nelson (NE)	

NAYS—58

Akaka	Byrd	Dodd
Baucus	Campbell	Domenici
Biden	Cantwell	Dorgan
Bingaman	Chafee	Durbin
Bond	Clinton	Edwards
Boxer	Cochran	Ensign
Breaux	Conrad	Enzi
Brownback	Corzine	Feingold
Bunning	Daschle	Feinstein
Burns	Dayton	Graham
Harkin	Levin	Sarbanes
Hollings	Lincoln	Schumer
Inouye	Lugar	Smith (OR)
Jeffords	Mikulski	Stabenow
Johnson	Murray	Thomas
Kennedy	Nelson (FL)	Torricelli
Kerry	Reed	Wellstone
Kohl	Reid	Wyden
Landrieu	Roberts	
Leahy	Rockefeller	

NOT VOTING—2

Crapo	Hatch

The amendment (No. 389), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have conferred with the manager of the bill, Senator GREGG. I ask unanimous consent when the Senate resumes consideration of S.1, the ESEA bill, on Thursday, June 7, that there be an hour for debate with respect to the Dodd amendment No. 459, controlled between Senators DODD and GREGG; that upon the use or yielding back of that time the amendment be set aside and the Nelson-Carnahan amendment No. 385 become the pending business, with 45 minutes of debate equally divided and controlled in the usual form with no second-degree amendments in order thereto, with a vote occurring upon the use or yielding back of time.

I further ask unanimous consent that upon disposition of the Nelson-Carnahan amendment No. 385, Senator SMITH of New Hampshire be recognized to call up amendment No. 487; that there be 40 minutes for debate with the time equally divided and controlled in the usual form, and that no second-degree amendments be in order, with a vote occurring upon the use or yielding back of the time.

Finally, Madam President, I ask unanimous consent that upon disposition of the Smith amendment, Senator WELLSTONE be recognized to call up amendment No. 466, with 4 hours for debate equally divided and controlled in the usual form, with no second-degree amendments in order thereto, and that upon the use or yielding back of time the Senate proceed to vote on that amendment.

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

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that following the statement of the Senator from Connecticut in relation to this bill, the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

AMENDMENT NO. 459

Mr. DODD. Just to inform my colleagues, and the managers of the bill, my intention is to take about 6 or 7 minutes to discuss the Dodd amendment, and then there will be time tomorrow, obviously, to go into this a bit further.

I do not know if any agreement has been reached on when we can vote on this amendment. I have no intention of delaying action on this legislation. I do not know if my colleague from Massachusetts or my colleague from New Hampshire would like to agree on a time, but we can vote on the Dodd amendment at a time that is convenient for the managers of this bill.

I know there are other amendments that need to be considered. My desire is to get to a vote and not to delay consideration of the bill.

But let me go back a bit, if I may, and try to make clear that my good friend—he is a wonderful friend, and there are very few Members on either side of the aisle whose intelligence I respect more than the Senator from New Hampshire, Mr. JUDD GREGG. He is extremely bright, knowledgeable, and cares a lot about these issues.

He suggested that my amendment is one of the most intrusive suggestions by the Federal Government in the area of elementary and secondary education in maybe the history of mankind, I guess. He is nodding in the affirmative, so I guess he probably agrees with that statement of mine.

Mr. GREGG. That is close.

Mr. DODD. This is anything but that. If you had to apply one word to the underlying proposal, if you had to pick out one word in the English language that is supposed to be the hallmark of this Elementary and Secondary Education Act, I would suggest the word would be ''accountability.'' That is the one word we have heard repeated over and over and over again.

This bill, if adopted, will require accountability of students because we will mandate a Federal test at the local level. It is Uncle Sam, the Federal Government, mandating a Federal test, a Federal standard. So accountability can be achieved at the student level.

We demand accountability of the local school districts. And if those districts do not achieve a level of achievement or performance, then there is the danger of losing Federal dollars.

We demand accountability of teachers in this bill. We are insisting upon certain standards of performance, Uncle Sam saying that teachers at the local level must perform at a certain level.

In a sense, we are demanding accountability of parents by insisting that their children do better and that parents be involved.

My point simply is this: We are demanding accountability of children, of parents, of teachers, of local school boards, of mayors, of schools themselves, and ourselves in a sense, but the one entity that escapes any accountability at all is States.

I know States are wrestling with this issue. But requiring comparable efforts to achieve equal opportunity of education is not a radical idea. If we are demanding that an eighth grade or third grade student pass a test, should a Governor of a State or a school board or some entity at the State level escape any less accountability of whether or not our States are doing what is necessary for our schools and our schoolchildren to do better?

So that is what this amendment does. It says, look, after 4 or 5 years, we want to know that States are insisting upon a comparable—not identical—comparable educational opportunity in schools. The word ''comparable'' is carefully selected. The word is 36 years old in the context of education. In 1965, we said there must be comparable educational opportunity within school districts.

I come from a State of 3½ million people. There are school districts in this country that have more children than in all of my State: Los Angeles, Houston, New York. I do not know about Detroit, the major city of the Presiding Officer, but there are school districts in this country that have more children in them than exist in many of our States, where we have mandated, for 36 years, comparable educational opportunity.

Is it such a quantum leap to say that States ought to provide comparable educational opportunity at the State level? We are demanding it of kids. We are demanding it of districts. Shouldn't our States meet a similar standard? That is all we are doing with this amendment. And if they fail to do so, the penalty is to be determined by the Secretary of Education, which would only involve administrative funds.

This is not some sword of Damocles hanging over students. We are not cutting off title I funding. We are saying, if you do not meet these standards, then the Federal Government will not provide administrative funds. We leave that up to the Secretary to determine the extent of that penalty.

My colleague from New Hampshire is no longer in the Chamber, but I want to read a statement, if I may, that sort of explains what I am trying to do. This statement reads as follows:

> There is nothing fair or just about taxing a home or other real estate in one town at four times the rate that similar property is taxed in another town to fulfill the same purpose of meeting the State's educational duty. Compelling taxpayers from property-poor districts to pay higher tax rates and thereby contribute disproportionate sums to fund education is unreasonable. Children who live in poor and rich districts have the same right to a constitutionally adequate public education.

That radical statement is from a decision by the Supreme Court of the State of New Hampshire. The Supreme Court of the State of New Hampshire is saying property taxpayers in that State ought not to be disproportionately burdened, rich versus poor, to provide an equal opportunity for education. That is all this amendment is saying.

It does not federalize education. It does not say to New Hampshire or to Connecticut or to Michigan how you ought to do this. It just says: Do it any way you wish. You decide what comparable educational opportunity ought to be. But whatever it is in your respective States, then it ought to be available to every child in that State whether they live in a rich town or a poor town. That is all this says.

Madam President, I refer my colleagues to the New Hampshire Supreme Court case at 123 Ed. Law Rep. 233.

The New Hampshire Supreme Court decision says it better than I could, that you should not ask towns of disparate wealth to have their children get a disparate educational opportunity. That is not any great leap of logic. In a sense, this idea that the Federal Government is all of a sudden reaching into our States or our local districts at a level unprecedented in the history of our country is to deny the reality. Since 1965, we have said: Comparable educational opportunity in school districts. We have said: If a child brings a gun to school and is not automatically expelled, we cut off your Federal money in local communities.

We have said that an individual education plan for every child with a disability must be in place. That is the Federal Government mandating that. If you don't, we cut off all your money. Comparable educational services within the district goes back to 1965. There must be State standards for curricula that are the same for every child or you lose Federal funds.

This is already the law of the land. I am just suggesting that the States must submit these plans and take steps to implement them. And I do it over the next 6 years, by the way, the life of this bill, the same period of time we are going to be testing every child in America based on this bill. We are going to test apparently every teacher based on this bill. We are going to threaten title 1 funds to local districts under this bill. We are threatening parents with untold problems if we cut off funds to rural and urban schools and there is no other alternative for them.

We are asking of everybody in the country to be more responsible. I would like to add States to that list of political entities and individuals from whom we are seeking a higher degree of responsibility. Call that radical if you will. I don't think it is. Why should they get by? Why do the States or the Governors get a pass on this? If you are going to test a kid, why not test a Governor or a State? If you are going to test a teacher, why not test whether or not a State is doing its best to provide comparable educational opportunity?

Many States are trying. Regrettably, some are not. The Governors and the State authorities across this country know of whom I speak with this amendment. If we are saying to some school districts that many feel are not doing an adequate job—and there are many who have told anecdotal stories throughout the debate on this bill about school districts that are failing to meet their responsibilities; I accept that as the truth. There are school districts not doing what they ought to be

doing when it comes to children's educational opportunities. I accept the fact there are teachers out there who are not teaching very well and superintendents and school boards that are failing in their responsibilities and parents who are as well.

If all of that is true, don't stand there and tell me that every State is meeting its obligations because they are not. This amendment merely says they ought to. If this bill is going to be fair to everybody, if 94 cents of the education dollar comes from local property-tax payers or State funds and only 6 cents from the Federal Government, and if we are demanding a standard of ourselves on 6 cents, then we ought to demand at least some accountability from our States with the 94 cents they are responsible for when it comes to educational needs at the elementary and secondary level.

As I said a moment ago, many States are doing their best. They are achieving comparable educational opportunity. This is not identical. I am using the words that have been on the books dealing with education issues since 1965. Comparable educational opportunity must exist within school districts. There are school districts that have student populations in their districts which exceed the student populations of most States.

If we demand accountability of school districts numbering hundreds of thousands of kids—that comparability, not identical, comparable—why not ask the States to do that? They lecture us all the time. I have listened to Governors tell us about one problem after another concerning what needs to be done. Is this somehow an immune class from consideration? I don't think so.

This amendment is reasonable. It is not excessive. If we are asking accountability, if that is the mantra on this bill, accountability for everybody—and I agree with that; it is overdue—then States ought to also get in line when it comes to taking that test that we are going to demand of everybody. Over the next 6 years, let everybody become more responsible. Let everybody become more accountable—every child, parent, teacher, school board, superintendent, principal, and, yes, Governor and State as well.

With that, I yield the floor.

Mr. DASCHLE. Madam President, I ask consent that the time for debate on the Nelson-Carnahan amendment No. 385 be increased from 45 minutes to 60 minutes.

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

Mr. DASCHLE. With this consent, the first rollcall vote in the morning will occur at approximately 11:30.

AMENDMENTS NOS. 603, AS FURTHER MODIFIED, AND 517, AS MODIFIED

Mr. DASCHLE. I ask unanimous consent that the amendments numbered 603 and 517, as previously agreed to, be modified further to conform to the substitute amendment. This has the approval of the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are so modified.

The amendments (Nos. 603 and 517), as modified, are as follows:

AMENDMENT NO. 603

On page 506, lines 2 and 3, strike ''and other public and private nonprofit agencies and organizations'' and insert ''and public and private entities''

On page 506, line 9, strike ''nonprofit organizations'' and insert ''entities''.

On page 525, lines 18 and 19, strike ''and other public entities and private nonprofit organizations'' and insert ''and public and private entities''.

On page 548, lines 24 and 25, strike ''nonprofit organizations'' and insert ''entities''.

On page 554, lines 18 and 19, strike ''nonprofit private organizations'' and insert ''private entities''.

AMENDMENT NO. 517

On page 309, lines 17 and 18, strike ''subsection (f)'' and insert ''subsections (b), (e) and (f)''.

On page 339, line 6, strike ''(b)'' and insert ''(c)''.

On page 339, strike lines 7 through 16 and insert the following:

''(b) SCHOOL LEADERSHIP.—

''(1) DEFINITIONS.—

''(A) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency for which more than 30 percent of the students served by the local educational agency are students in poverty.

''(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(C) STUDENT IN POVERTY.—The term 'student in poverty' means a student from a family with an income below the poverty line.

''(2) PROGRAM.—The Secretary shall establish and carry out a national principal recruitment program.

''(3) GRANTS.—

''(A) IN GENERAL.—In carrying out the program, the Secretary shall make grants, on a competitive basis, to high-need local educational agencies that seek to recruit and train principals (including assistant principals).

''(B) USE OF FUNDS.—An agency that receives a grant under subparagraph (A) may use the funds made available through the grant to carry out principal recruitment and training activities that may include—

''(i) providing stipends for master principals who mentor new principals;

''(ii) using funds innovatively to recruit new principals, including recruiting the principals by providing pay incentives or bonuses;

''(iii) developing career mentorship and professional development ladders for teachers who want to become principals; and

''(iv) developing incentives, and professional development and instructional leadership training programs, to attract individuals from other fields, including business and law, to serve as principals.

''(C) APPLICATION AND PLAN.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

''(i) a needs assessment concerning the shortage of qualified principals in the school district involved and an assessment of the potential for recruiting and retaining prospective and aspiring leaders, including teachers who are interested in becoming principals; and

''(ii) a comprehensive plan for recruitment and training of principals, including plans for mentorship programs, ongoing professional development, and instructional leadership training, for high-need schools served by the agency.

''(D) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to local educational agencies that demonstrate that the agencies will carry out the activities described in subparagraph (B) in partnership with nonprofit organizations and institutions of higher education.

''(E) SUPPLEMENT NOT SUPPLANT.—Funds appropriated to carry out this subsection shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide principal recruitment and retention activities.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2002 and each subsequent fiscal year.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, am I subject to morning business?

The PRESIDING OFFICER. We are now in morning business.

Mr. GREGG. I ask unanimous consent that I be allowed to speak for 15 minutes in response to the Senator from Connecticut.

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

AN EQUAL APPROACH TO EDUCATION

Mr. GREGG. Madam President, I thank the Senator from Connecticut for his very generous comments relative to my role in the Senate. I reciprocate. I admire the Senator from Connecticut immensely. I enjoy him as a colleague, especially his sense of humor and his ability to fashion thoughtful policy with which I sometimes agree and sometimes disagree. It is nice to have him as a colleague and especially to claim him as a fellow New Englander.

He raises an issue that is one of the major debates revolving around the issue of education, both here at the Federal level and at the State level, as he pointed out in citing the New Hampshire Supreme Court decision in the Claremont case which has had a significant impact on New Hampshire's approach to education. I have always believed that decision was wrongly decided, but whether it was wrongly decided or not, it was still the Supreme Court of New Hampshire and, therefore, it is the law of the land in New Hampshire. It was decided based on the New Hampshire Constitution, not on the Federal Constitution. And as such, it is unique to New Hampshire, although there are other States that take the same decision.

This concept that every part within a State must be equal in their approach

to education is something that the New Hampshire Supreme Court has found to be true, or at least to be the law of New Hampshire. But it is not necessarily the law everywhere.

Furthermore, the logic of that, if you were to carry it to its natural extreme, would be that everywhere in the Nation must be the same. If you carry that to its logical conclusion, it would be that in New Hampshire, if town A has a higher property tax base than town B, therefore some of town A's money must go to town B to support town B, thus reducing the money for town A but increasing the money for town B in order to reach equality of funds, which is essentially what the Claremont decision held in its practical application, unless you find new sources of revenue, which is what our State is trying to do right now. Then if you take that to its next logical step, which the Senator from Connecticut appears to be promoting as a concept, this idea of comparability, then why just New Hampshire?

Logically wouldn't the next step be that New Hampshire's funding should be the same as Connecticut, or Connecticut's funding should be the same as Mississippi, that all State districts, all States, all communities across the country should have exactly the same funding or at least comparable funding in their school systems in order to be equal, in order to get quality education, in order to leave nobody behind, in order to have equality of opportunity as has been defined in the law?

I don't think anybody is suggesting that, but that is the logical extension of the logic behind this amendment. Why stop it at the State level? Why stop at the community level? Why go community to community, or county to county? Why wouldn't you step it up to State to State and end up with Connecticut sending money, I presume, to Mississippi, for example, or to Louisiana so that Louisiana standards would come up in the amount of funding, and Connecticut's would go down in the amount of funding?

It doesn't make any sense. Why? Because it doesn't necessarily improve education. Why doesn't it improve education? Because there has been study after study after study—some of the best ones have been done out of the University of Rochester where they have actually studied studies, 300 or so—which have concluded that education is not a formula where more dollars equal better results.

In fact, there are a lot of instances where more dollars simply have not equaled better results. And you don't have to look too far from where we are holding this debate to find that case.

Here in the city of Washington, regrettably, more dollars are spent per pupil than any place in the United States, or for that matter than at any place in all these other industrialized countries that are always listed as being better than the United States in education.

More dollars per student are spent right here in Washington. Yet the quality of the education, the student achievement levels here in Washington are some of the lowest achievement levels of any urban area in the country. So it is not an issue of more dollars produces better education. It has been shown, after innumerable studies—and I have to also say just through common sense, just looking at the situation—that what produces better education is a lot of different factors:

Parental involvement, parents who care about education; teachers who have flexibility in their classrooms to teach the way they think best; good teachers; principals who have flexibility to run their schools the way they think is important; superintendents who have the flexibility to run the school systems; community involvement, with businesses in the community that adopt a school and make it better by committing their employees and their employees' commitments to time and tutorial activity, with support groups such as Big Brothers and Big Sisters supporting people after school so the kids, when not in school, can learn things to help them get through the day when they are in school.

The formula is complex. It is not just more dollars equals better education. So when you set up standards that say everybody has to be paid the same, everybody has to have the same amount of money and you are going to produce better education, that simply doesn't fly. But that is a big argument that we have in this Senate and which is occurring across the country, and also certainly in New Hampshire.

But I think it is one of those red herrings; that if you put more money in the system and bring everybody up to the same money level, you will get better education. That is not true at all. It has been proven time and again.

Unfortunately, one example is right here in Washington, DC. There is no particular reason to pick on Washington, but Washington is a regrettable example of that. So the practical argument, first, is that it doesn't hold water because its logical extension is that every State across the country should have the same funding. Maybe that is the goal in the end. Maybe we are seeing the early steps of an attempt to actually evolve a national system where everybody gets the same amount of money and is targeted the same. But I don't think too many people would follow that course of logic. That would be the practical logic of this amendment carried to its full extreme.

Secondly, the underpinning purpose of the amendment, which is to equalize dollars within a State because that produces better education, also doesn't hold a lot of water because nothing proves that is the case. In fact, just the opposite happens when you use a system that says everybody has to do everything the same. When you put everybody in a cookie-cutter system of education, you end up with mediocrity; you end up with school systems that, rather than producing quality, end up producing to the lowest common denominator and they fail. They fail the kids. That is what we have seen in our school systems recently.

One of the prior speakers on the other side of the aisle attempted to define my value systems for me. He said my values are to support a system that supports dilapidated schools—or something to that effect—because a community with a dilapidated school doesn't have enough money to support that school and a rich community can have a good school.

That is not my value system. I am sorry it was characterized that way by the Senator from Delaware. My value system on education is that no child is left behind; that the low-income child doesn't get a second-rate education in our system because they go to a second-rate school or they go to a school that failed year in and year out.

What we have done in this country is to have spent $126 billion on education directed at low-income children and we have not improved their performance at all in 35 years. In fact, the children continue to fail in our system. The average low-income child in the fourth grade today reads at two grade levels less than his or her peers in the same school and across this country.

The simple fact is that we have failed those children. We continue to fail those children because we use this system which believes that a command-and-control system from Washington can actually improve the educational system in local communities. That is not true at all. We need the creativity and imagination and commitment and involvement of the local community leadership—the parents, teachers, principals, and the support systems to focus on making their schools better and do it in a unique way that makes them special.

Every community across the country is going to probably have some original way of doing this. There will be consistencies in text or maybe curriculum in some schools and maybe teaching styles, but each school will be as different as the teachers who are in the schools, the individuals who deal with these kids.

So to try to impose on them a cookie-cutter system that says everybody has to be comparable—they have to do it all the same way or else they don't get their Federal dollars—is to fundamentally undermine the engine that will give these kids opportunities, which is the creativity, originality, and the enthusiasm of the local community, the teacher, the parents, and the principals.

This bill that we have been debating today understands that fact. President Bush has proposed a bill that basically says four things: One is that we are

going to focus on the child and stop focusing on the school system, on the bureaucracy, and on a cookie-cutter comparable standard. We are going to focus on every individual child, especially the low-income child who has been left behind. That is where the dollars are going to flow.

Two, we are going to give the teachers, the community, the local school system flexibility in how they deal with that child and improve that child's capability. In exchange for that flexibility, we are going to require academic achievement by the low-income child. We are not going to let that child be left behind any longer.

Three, we are going to have accountability standards to show that that academic achievement has been accomplished. It is at this point where we put the testing in place, where the President suggested testing in six grades instead of three, as is presently required, to which the Senator from Connecticut feels he has the logic to pursue a comparable standard. He says, if everybody is going to have to be tested—and this was the argument by the Senator from Delaware—then the systems that will bring the child up to a standard of ability to meet the test also have to be comparable.

If everybody is going to be put to one test, then everybody should have comparable support facilities necessary to reach the ability to compete on that test.

The problem is you are essentially saying there can be no creativity in the local school systems, and instead of giving local school systems flexibility in exchange for academic achievement, you are saying we are going to require academic achievement and we are also going to require that we have a bureaucracy that tells you exactly what to do—at least in this amendment—right down to curriculum, range of courses, instructional material, instructional resources—I mean, everything from the time you walk into that classroom is going to have to be comparable with everybody else in the system.

This is a country that takes great pride in individuality, not in being uniform. That individuality is what produces our creativity and strength, whether it is in education or in the marketplace or whether it is in higher learning. Yet this amendment asserts that we should have everything comparable. If you are not comparable, you don't get any Federal money, which says that the Federal Government is coming in and we are going to take the State standard, whatever it is, and force it on every community in that State if they want to get Federal money.

You can call that anything you want, but to me that is a nationalization of the system. You are essentially saying local school systems will be required to do a whole set of activities, from classroom size, to qualifications of teachers, professional staffing, curriculum, range of courses, instructional material—right down the list. They are going to be required to meet a set of standards which the State may initially set but which the Federal Government enforces. The Federal Government is enforcing this because it is demanding it be met or else the Federal funding doesn't come through—or a portion of it does not come through.

So it is a huge expansion of the role of the Federal Government in deciding exactly what is going to happen at the local school districts. I don't think any of the debate on the other side of the aisle denies that fact.

I think it confirms that fact because basically what the other side of the aisle has been debating—not the whole other side of the aisle but those presenting this amendment and defending it—is, yes, that is right, we have to require that every local community does everything comparable with the other communities in the State to assure equality of opportunity, as they define it.

It is the wrong approach. The President's approach is you get equality of opportunity by assuring the school has the resources but letting the school, the parents, the teachers, and the faculty make the decision as to how the child is educated, and then you test whether or not the child has achieved the goals set out.

If the child has not achieved those goals, then we start putting sanctions on the school systems and start giving the parents some opportunities to give their child additional help through supplemental services in this bill or the States with Straight A's.

The issue of achievement is not done by some arbitrary input system; it is done by actually figuring out in what children are succeeding. As a result, we hopefully change this system which has produced 36 years of failure generation after generation of children who have not had a fair break.

I find it ironic that the Senator from Delaware tried to characterize my values as being for failed schools, dilapidated schools, schools where kids were not learning, when what we propose in this bill is an attempt to reverse what is a clear, undeniable, factual, confirmable point, which is that generation after generation of low-income kids have been left behind.

Even today, after spending $26 billion, the average low-income child in this country simply is not getting an education that is competitive with their peers in the school system.

While we are on it, let me mention a couple points we put into this bill to give that child a little more opportunity because they have not been talked about much and should be talked about because this bill has interesting and creative initiatives.

There was a package pulled together, negotiated, and agreed to by both sides. It took a long time to do that. It was done under the leadership of Senator LOTT and Senator DASCHLE. Many of us met for many months to work it out.

I mentioned we had four goals: Child centered, flexibility, academic achievement, and accountability. We set up a structure to accomplish the goals.

A couple things we did I think are creative. We took all the teacher money and merged it and said to the school districts: You pick how you want to improve your teachers. You can hire more teachers; you can improve their educational ability; you can improve their technical support or simply pay the good teachers more. It is your choice. You decide how you do it. We are not going to tell you.

That is a big change because it is giving local districts flexibility over those teacher dollars.

We also said to the small districts in the small school areas, the rural districts, we are going to give you all this money that comes from the Federal Government that comes with these categories, and there are literally hundreds of them. There is a category for arts in some specific area or for language in some specific area.

Most of these little school districts in States such as New Hampshire and Maine—this was an idea of Senator COLLINS—or even in upstate New York or, I suspect, parts of California, cannot access these categorical programs. Why? Because they simply do not have the staff, plus they do not have enough students to draw down enough money to make it worth their time.

We suggested we merge that. We have something called rural ed flex where all this money will flow into these school systems without the strings attached where they can actually get a bang for the dollar, using it effectively.

We also set up something called Straight A's, which is an attempt to give a few States the opportunity to show some creativity with low-income kids. We say we are going to take the formula programs, merge them and you, the State, can take those dollars and spend them however you want, but at the end of the year you have to prove that your low-income children, who are today, remember, not achieving at all—in fact, they are achieving at two grade levels less than most kids—actually achieve a standard that exceeds other kids in their class.

This is an attempt to give a real incentive to States and communities which are willing to be creative to do something about improving the lifestyle and the educational ability of their low-income kids.

Another area we addressed was if a child is in a school that has failed—remember, the States designate whether a school has failed; the Federal Government does not. If the school fails 1 year, we go into the school system under this bill and give it a lot of resources and try to turn it around. If it fails 2 years, we go into the system, start to replace people—under the bill, we give authority to the school system to do that—and put in more resources.

If after 3 years a child is in a school that fails—and by failing, that is defined by the State but essentially it is going to mean that school is not educating the children up to the standards to which the other schools in the community are educating their kids—if a child is in that school for 3 years, if you are a parent, you are pulling your hair out because for 3 years in a row you know your child has fallen behind because they are in a school that does not work. It has been designated as not working by the State or by the community.

What is your option under present law? Nothing. You have to stay in that school unless you happen to be wealthy enough to go to a private school. It is especially a problem for inner-city moms, single mothers raising kids in the inner city, where their kids are going to schools that are filled with drugs and violence, and they have more fear of their life than they have opportunity to learn. Those kids are trapped.

Under this bill, we propose something called supplemental services where, after 3 years in a failing school, a parent is going to have some authority of their own. They are going to be able to take a portion of the money which goes to title I and some other programs and take their child and get services outside the school system. They still have to stay in the public school, but they are going to get services out of the public school system to get their children up to speed academically.

They can go to Sylvan Learning Center, or the Catholic school across the street has a tutorial program in math, they can do that. It will be the parent's discretion to get decent support services. That is going to be a good change for a lot of parents. It is going to be an opportunity for a lot of parents.

There is a lot of good in this bill directed at trying to give low-income kids a better break and a better chance. But the surest and fastest way to undermine the purposes of this bill is to subject it to the cookie-cutter event and to what I think would be a nationalization of that, of requiring comparability from school district to school district to be asserted as a precondition of whether or not you get Federal funds or a portion of Federal funds.

Obviously, I think this amendment represents a very significant undermining of the President's proposal and the agreement we reached through literally hours of intense and very constructive negotiation.

Madam President, I thank you for your courtesy. I especially thank the staff for their courtesy. I yield the floor.

DEDICATION OF THE D-DAY MEMORIAL IN BEDFORD, VIRGINIA

Mr. WARNER. Mr. President, I rise today along with Senator GEORGE ALLEN and two Members of the House, Representatives BOB GOODLATTE and VIRGIL GOODE, to place in today's RECORD a moving speech delivered by President George W. Bush in recognition of the 57th anniversary of the historic landing by U.S. and Allied Forces on the beaches of Normandy, France.

The Commonwealth of Virginia was honored when the President selected the small town of Bedford, where a magnificent memorial has just been completed in honor of the extraordinary bravery and sacrifice of the military men and women at Normandy, as the site to deliver this very important speech.

This memorial will serve as an eternal salute to those who so bravely and selflessly fought for freedom. It is often said that June 6, 1944, D-Day, forever changed the course of history. So it is only fitting that such a magnificent structure be erected to remind future generations of that epic chapter in the long European struggle to restore freedom.

The citizens of and soldiers from Bedford earned a unique, but tragic place in history that day. In 1941, the 29th Infantry Division, a National Guard division, was mobilized largely with citizen-soldiers from Virginia and Maryland. Although the division changed over three years, by D-Day, many Virginians took part in the Normandy landing.

The 29th Division's 116th Infantry mounted the first wave together with the 1st Division's 16th Infantry Regiment. They suffered extraordinary casualties. The State of Virginia sustained nearly 800 casualties during the overall landing sequences.

The Bedford National Guard component had formed ''A'' Company of the 116th and by D-Day, 35 Bedford soldiers were still in the 170-man unit. Nineteen of those young men gave their lives in the first assault wave, and several more died shortly thereafter from wounds. The devastating loss of these young men from a small town of 3,200 left Bedford with the highest per-capita loss on D-Day from any single community not only in Virginia, but the entire United States.

Bedford is a living example of our Nation's many communities who share a common heritage of ''Homefront'' roles, sacrifices and stories. This community and its citizens serve as a particularly fitting home to this national memorial in recognition of all who participated in this battle and their loved ones back in the United States.

Today's dedication of the National D-Day Memorial was a truly moving ceremony that will long be remembered by those in attendance and those who viewed it by television. The President delivered thoughtful, heartfelt words, truly befitting this solemn, reverent day. On behalf of the Virginian delegation, I ask unanimous consent that a copy of the President's remarks be printed in the RECORD for all America to share.

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

REMARKS BY THE PRESIDENT AT DEDICATION OF THE NATIONAL D-DAY MEMORIAL

The President. Thank you all very much. At ease. And be seated. Thank you for that warm welcome. Governor Gilmore, thank you so very much for your friendship and your leadership here in the Commonwealth of Virginia. Lt. Governor Hager and Attorney General Earley, thank you, as well, for your hospitality.

I'm honored to be traveling today with Secretary Principi, Veterans Affairs Department. I'm honored to be traveling today with two fantastic United States Senators from the Commonwealth of Virginia, Senator Warner and Senator Allen. (Applause.) Congressman Goode and Goodlatte are here, as well. Thank you for your presence. The Ambassador from France—it's a pleasure to see him, and thank you for your kind words. Delegate Putney, Chaplain Sessions, Bob Slaughter, Richard Burrow, distinguished guests, and my fellow Americans.

I'm honored to be here today to dedicate this memorial And this is a proud day for the people of Virginia, and for the people of the United States. I'm honored to share it with you, on behalf of millions of Americans.

We have many World War II and D-Day veterans with us today, and we're honored by your presence. We appreciate your example, and thank you for coming. And let it be recorded we're joined by one of the most distinguished of them all—a man who arrived at Normandy by glider with the 82nd Airborne Division; a man who serves America to this very hour. Please welcome Major General Strom Thurmond. (Applause.)

You have raised a fitting memorial to D-Day, and you have put it in just the right place—not on a battlefield of war, but in a small Virginia town, a place like so many others that were home to the men and women who help liberate a continent.

Our presence here, 57 years removed from that event, gives testimony to how much was gained and how much was lost. What was gained that first day was a beach, and then a village, and then a country. And in time, all of Western Europe would be freed from fascism and its armies.

The achievement of Operation Overlord is nearly impossible to overstate, in its consequences for our own lives and the life of the world. Free societies in Europe can be traced to the first footprints on the first beach on June 6, 1944. What was lost on D–Day we can never measure and never forget.

When the day was over, America and her allies had lost at least 2,500 of the bravest men ever to wear a uniform. Many thousands more would die on the days that followed. They scaled towering cliffs, looking straight up into enemy fire. They dropped into grassy fields sown with land mines. They overran machine gun nests hidden everywhere, punched through walls of barbed wire, overtook bunkers of concrete and steel. The great journalist Ernie Pyle said, ''It seemed to me a pure miracle that we ever too the beach at all. The advantages were all theirs, the disadvantages all ours.'' ''And yet,'' said Pyle, ''we got on.''

A father and his son both fell during Operation Overlord. So did 33 pairs of brothers—including a boy having the same name as his hometown, Bedford T. Hoback, and his brother Raymond. Their sister, Lucille, is with us today. She has recalled that Raymond was offered an early discharge for health reasons, but he turned it down. ''He didn't want to leave his brother,'' she remembers. ''He had come over with him and he was going to stay with him.'' Both were killed on D–Day. The only trace of Raymond Hoback was his Bible, found in the sand. Their mother asked that Bedford be laid to

rest in France with Raymond, so that her sons might always be together.

Perhaps some of you knew Gordon White, Sr. He died here just a few years ago, at the age of 95, the last living parent of a soldier who died on D–Day. His boy, Henry, loved his days on the family farm, and was especially fond of a workhorse named Major. Family members recall how Gordon just couldn't let go of Henry's old horse, and he never did. For 25 years after the war, Major was cherished by Gordon White as a last link to his son, and a link to another life.

Upon this beautiful town fell the heaviest share of American losses on D–Day—19 men from a community of 3,200, four more afterwards. When people come here, it is important to see the town as the monument itself. Here were the images these soldiers carried with them, and the thought of when they were afraid. This is the place they left behind. And here was the life they dreamed of returning to. They did not yearn to be heroes. They yearned for those long summer nights again, and harvest time, and paydays. They wanted to see Mom and Dad again, and hold their sweethearts or wives, or for one young man who lived here, to see that baby girl born while he was away.

Bedford has a special place in our history. But there were neighborhoods like these all over America, from the smallest villages to the greatest cities. Somehow they all produced a generation of young men and women who, on a date certain, gathered and advanced as one, and changed the course of history. Whatever it is about America that has given us such citizens, it is the greatest quality we have, and may it never leave us.

In some ways, modern society is very different from the nation that the men and women of D-Day knew, and it is sometimes fashionable to take a cynical view of the world. But when the calendar reads the 6th of June, such opinions are better left unspoken. No one who has heard and read about the events of D-Day could possibly remain a cynic. Army Private Andy Rooney was there to survey the aftermath. A lifetime later he would write, ''If you think the world is selfish and rotten, go to the cemetery at Colleville overlooking Omaha Beach. See what one group of men did for another on D-Day, June 6, 1944.''

Fifty-three hundred ships and landing craft; 1,500 tanks; 12,000 airplanes. But in the end, it came down to this: scared and brave kids by the thousands who kept fighting, and kept climbing, and carried out General Eisenhower's order of the day—nothing short of complete victory.

For us, nearly six decades later, the order of the day is gratitude. Today we give thanks for all that was gained on the beaches of Normandy. We remember what was lost, with respect, admiration and love.

The great enemies of that era have vanished. And it is one of history's remarkable turns that so many young men from the new world would cross the sea to help liberate the old. Beyond the peaceful beaches and quiet cemeteries lies a Europe whole and free—a continent of democratic governments and people more free and hopeful than ever before. This freedom and these hopes are what the heroes of D-Day fought and died for. And these, in the end, are the greatest monuments of all to the sacrifices made that day.

When I go to Europe next week, I will reaffirm the ties that bind our nations in a common destiny. These are the ties of friendship and hard experiences. They have seen our nations through a World War and a Cold War. Our shared values and experiences must guide us now in our continued partnership, and in leading the peaceful democratic revolution that continues to this day.

We have learned that when there is conflict in Europe, America is affected, and cannot stand by. We have learned, as well, in the years since the war that America gains when Europe is united and peaceful.

Fifty-seven years ago today, America and the nations of Europe formed a bond that has never been broken. And all of us incurred a debt that can never be repaid. Today, as America dedicates our D-Day Memorial, we pray that our country will always be worthy of the courage that delivered us from evil, and saved the free world.

God bless America. And God bless the World War II generation. (Applause.)

SENATE QUARTERLY MAIL COSTS

Mr. MCCONNELL. Mr. President, in accordance with section 318 of Public Law 101–520 is amended by Public Law 103–283, I have submitted the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of FY 2000 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The fourth quarter of FY 2000 covers the period of July 1, 2000 through September 30, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–57, the Legislative Branch Appropriations Act of 2000.

Also, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I have submitted the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the first quarter of FY 2001 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The first quarter of FY 2001 covers the period of October 1, 2000 through December 31, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–554, the Legislative Branch Appropriations Act of 2001.

Finally, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I have submitted the frank mail allocations made to each Senator from the appropriations for official mail expenses and a summary tabulation of Senate mass mail costs for the second quarter of FY 2001 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The first quarter of FY 2001 covers the period of January 1, 2001 through March 31, 2001. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106–554, the Legislative Branch Appropriations Act of 2001.

I ask unanimous consent that the material be printed in the RECORD.

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

Senators	FY2000 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 09/30/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$114,766				
Akaka	35,277				
Allard	65,146				
Ashcroft	79,102				
Baucus	34,375				
Bayh	80,377				
Bennett	42,413				
Biden	32,277				
Bingaman	42,547				
Bond	79,102				
Boxer	305,476				
Breaux	66,941				
Brownback	50,118				
Bryan	43,209	45,000	0.03745	$8,489.91	$0.00707
Bunning	63,969				
Burns	34,375	277,250	0.34697	51,069.94	0.06391
Byrd	43,239				
Campbell	65,146				
Chafee, Lincoln	34,703	228,500	0.22771	38,982.46	0.03885
Cleland	97,682				
Cochran	51,320				
Collins	38,329				
Conrad	31,320	28,450	0.04454	5,168.31	0.00809
Coverdell	97,682				
Craig	36,491				
Crapo	36,491				
Daschle	32,185				
DeWine	131,970	2,200	0.00020	1,748.35	0.00016
Dodd	56,424				
Domenici	42,547				
Dorgan	31,320				
Durbin	130,125				
Edwards	103,736				
Enzi	30,044				
Feingold	74,483				
Feinstein	305,476				
Fitzgerald	130,125				
Frist	78,239				
Gorton	81,115				
Graham	185,464				
Gramm	205,051				
Grams	69,241				
Grassley	52,904				
Gregg	36,828				
Hagel	40,964				
Harkin	52,904	656	0.00024	615.98	0.00022
Hatch	42,413				
Helms	103,736				
Hollings	62,273				
Hutchinson	51,203				
Hutchison	205,051				
Ihhofe	58,884				
Inouye	35,277				
Jeffords	31,251	147,794	0.26262	24,492.63	0.04352
Johnson	32,185	114,000	0.16379	49,572.55	0.07122
Kennedy	82,915				
Kerrey	40,964				
Kerry	82,915				
Kohl	74,483				
Kyl	71,855				
Landrieu	66,941				
Lautenberg	97,508				
Leahy	31,251	5,104	0.00907	1,638.80	0.00291
Levin	114,766				
Lieberman	56,424				
Lincoln	51,203	375	0.00016	81.76	0.00003
Lott	51,320				
Lugar	80,377	14,541	0.00262	2,816.87	0.00051
Mack	185,464				
McCain	71,855				
McConnell	63,969				
Mikulski	73,160				
Miller					
Moynihan	184,012	294,000	0.01634	53,488.33	0.00297
Murkowski	31,184				
Murray	81,115	10,693	0.00220	2,147.99	0.00044
Nickles	58,884				
Reed	34,703				
Reid	43,209	45,000	0.03745	7,999.35	0.00666
Robb	89,627				
Roberts	50,118				
Rockefeller	43,239	202,700	0.11302	28,032.95	0.01563
Roth	32,277				
Santorum	139,016	31,597	0.00266	25,491.53	0.00215
Sarbanes	73,160				
Schumer	184,012				
Sessions	68,176	12,904	0.00319	12,026.53	0.00298
Shelby	68,176				
Smith, Gordon	58,557				
Smith, Robert	36,828				
Snowe	38,329				
Specter	139,016				
Stevens	31,184				
Thomas	30,044				
Thompson	78,239				
Thurmond	62,273				
Torricelli	97,508	149,235	0.01926	117,141.16	0.01512
Voinovich	131,970				
Warner	89,627				
Wellstone	69,241				
Wyden	58,557				
Totals	7,594,942	1,609,999	1.28949	431,005.04	0.28244

Other offices	Committee mass mail totals for the quarter ending 9/30/00	
	Total pieces	Total cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Health, Education, Labor & Pensions		
Judiciary Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Indian Affairs Committee		
Intelligence Committee		
Aging Committee	1,150,000	$175,368.44
Joint Economic Committee		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Segeant at Arms		
Narcotics Caucus		

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 12/31/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Akaka	$35,266				
Allard	65,571				
Allen	67,623				
Baucus	34,375				
Bayh	80,339				
Bennett	42,465				
Biden	32,353				
Bingaman	42,668				
Bond	78,611				
Boxer	305,332				
Breaux	67,023				
Brownback	49,896				
Bunning	64,242				
Burns	34,132				
Byrd	43,197				
Campbell	65,571				
Cantwell	60,939				
Carnahan	58,958				
Carper	24,264				
Chafee	34,653				
Cleland	98,598				
Clinton	137,537				
Cochran	51,451				
Collins	38,298				
Conrad	31,258				
Corzine	73,236				
Craig	36,535	12,800	0.01271	$2,510.02	$0.00249
Crapo	36,535				
Daschle	32,149				
Dayton	52,182				
DeWine	131,841				
Dodd	56,517				
Domenici	42,668				
Dorgan	31,258	1,204	0.00188	957.10	0.00150
Durbin	129,845				
Edwards	104,861				
Ensign	32,656				
Enzi	30,012				
Feingold	74,540				
Feinstein	305,332				
Fitzgerald	129,845				
Frist	78,607				
Graham	185,377				
Gramm	206,157	1,300	0.00008	303.84	0.00002
Grassley	52,627				
Gregg	36,926				
Hagel	40,693				
Harkin	52,627				
Hatch	42,465				
Helms	104,861				
Hollings	62,803				
Hutchinson	50,961				
Hutchison	206,157				
Inhofe	57,917				
Inouye	35,266				
Jeffords	31,264				
Johnson	32,149				
Kennedy	82,836				
Kerry	82,836				
Kohl	74,540				
Kyl	72,497				
Landrieu	67,023				

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 12/31/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Leahy	31,264				
Levin	114,736				
Lieberman	56,517				
Lincoln	50,961				
Lott	51,451				
Lugar	80,339				
McCain	72,497				
McConnell	64,242				
Mikulski	72,998				
Miller	98,598				
Murkowski	31,276				
Murray	81,252				
Nelson, Bill	139,032				
Nelson, E. Benjamin	30,519				
Nickles	57,917				
Reed	34,653				
Reid	43,542				
Roberts	49,896				
Rockefeller	43,197				
Santorum	138,787				
Sarbanes	72,998				
Schumer	183,383				
Sessions	68,026				
Shelby	68,026				
Smith, Gordon	58,292				
Smith, Robert	36,296				
Snowe	38,298				
Specter	138,787				
Stabenow	86,052				
Stevens	31,276				
Thomas	30,012				
Thompson	78,607				
Thurmond	62,803				
Torricelli	97,648				
Voinovich	131,841				
Warner	90,165				
Wellstone	69,576				
Wyden	58,292				

Other offices	Committee mass mail totals for the quarter ending 12/31/00	
	Total pieces	Total cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Baking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Joint Committee on Congress Inauguration		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics Caucus		
Subcommittee on POW/MIA		

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 3/31/01			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Akaka	$35,266				
Allard	65,571				
Allen	67,623				
Baucus	34,375	1,455	0.00182	$1,183.39	$0.00148
Bayh	80,339				
Bennett	42,465				
Biden	32,353				
Bingaman	42,668				
Bond	78,611				
Boxer	305,332				
Breaux	67,023				

Senators	FY2001 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 3/31/01			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Brownback	49,896				
Bunning	64,242				
Burns	34,132				
Byrd	43,197				
Campbell	65,571				
Cantwell	60,939				
Carnahan	58,958				
Carper	24,264				
Chafee	34,653				
Cleland	98,598				
Clinton	137,537				
Cochran	51,451				
Collins	38,298				
Conrad	31,258	296,000	0.46337	43,584.12	0.06823
Corzine	73,236				
Craig	36,535				
Crapo	36,535				
Daschle	32,149				
Dayton	52,182				
DeWine	131,841				
Dodd	56,517				
Domenici	42,668				
Dorgan	31,258				
Durbin	129,845				
Edwards	104,861				
Ensign	32,656				
Enzi	30,012				
Feingold	74,540				
Feinstein	305,332				
Fitzgerald	129,845				
Frist	78,607				
Graham	185,377				
Gramm	206,157	2,000	0.00012	418.42	0.00002
Grassley	52,627				
Gregg	36,926				
Hagel	40,693	184,300	0.11676	36,234.77	0.02296
Harkin	52,627				
Hatch	42,465				
Helms	104,861				
Hollings	62,803	600	0.00017	130.72	0.00004
Hutchinson	50,961				
Hutchison	206,157				
Inhofe	57,917				
Inouye	35,266				
Jeffords	31,264				
Johnson	32,149				
Kennedy	82,836				
Kerry	82,836				
Kohl	74,540				
Kyl	72,497				
Landrieu	67,023				
Leahy	31,264	10,200	0.01813	2,076.68	0.00369
Levin	114,736	3,400	0.00037	983.44	0.00011
Lieberman	56,517				
Lincoln	50,961	1,225	0.00052	1,022.07	0.00043
Lott	51,451				
Lugar	80,339				
McCain	72,497				
McConnell	64,242				
Mikulski	72,998	770	0.00016	160.70	0.00003
Miller	98,598				
Murkowski	31,276				
Murray	81,252	1,032	0.00021	129.87	0.00003
Nelson, Bill	139,032				
Nelson, E. Benjamin	30,519				
Nickles	57,917				
Reed	34,653	11,800	0.01176	2,134.58	0.00213
Reid	43,542				
Roberts	49,896				
Rockefeller	43,197				
Santorum	138,787				
Sarbanes	72,998	3,900	0.00082	788.67	0.00016
Schumer	183,383				
Sessions	68,026				
Shelby	68,026				
Smith, Gordon	58,292	118,000	0.04152	20,709.62	0.00729
Smith, Robert	36,296				
Snowe	38,298				
Specter	138,787				
Stabenow	86,052				
Stevens	31,276				
Thomas	30,012				
Thompson	78,607				
Thurmond	62,803				
Torricelli	97,648				
Voinvich	131,841				
Warner	90,165				
Wellstone	69,576				
Wyden	58,292	666	0.00023	591.72	0.00021

Other offices	Committee mass mail totals for the quarter ending 3/31/01	
	Total pieces	Total cost
The Vice President		
The President Pro-Tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		

Other offices	Committee mass mail totals for the quarter ending 3/31/01	
	Total pieces	Total cost
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judiciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Joint Committee on Congress Inauguration		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics Caucus		
Subcommittee on POW/MIA		

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 23, 2000 in Salt Lake City, Utah. A 19-year-old woman working for the Southern Utah Wilderness Alliance was beaten and robbed because her attackers presumed she was a lesbian. The woman was taking opinion polls when a male attacker in his 20s—one of two white men with shaved heads—allegedly came running up behind her, punched her in the face, knocking her down. The woman said the suspect then kicked her in the face while he yelled ''dyke'' and ''queer.''

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 5, 2001, the Federal debt stood at $5,671,991,683,864.65, five trillion, six hundred seventy-one billion, nine hundred ninety-one million, six hundred eighty-three thousand, eight hundred sixty-four dollars and sixty-five cents.

One year ago, June 5, 2000, the Federal debt stood at $5,642,402,000,000, five trillion, six hundred forty-two billion, four hundred two million.

Five years ago, June 5, 1996, the Federal debt stood at $5,141,670,000,000, five trillion, one hundred forty-one billion, six hundred seventy million.

Ten years ago, June 5, 1991, the Federal debt stood at $3,490,594,000,000, three trillion, four hundred ninety billion, five hundred ninety-four million.

Fifteen years ago, June 5, 1986, the Federal debt stood at $2,053,578,000,000, two trillion, fifty-three billion, five hundred seventy-eight million, which reflects a debt increase of more than $3.5 trillion, $3,618,413,683,864.65, three trillion, six hundred eighteen billion, four hundred thirteen million, six hundred eighty-three thousand, eight hundred sixty-four dollars and sixty-five cents during the past 15 years.

CONGRATULATING DETROIT ON THE TRICENTENNIAL

Mr. DASCHLE. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of H. Con. Res. 80 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 80) congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding.

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

Mr. DASCHLE. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table with no intervening action.

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

The concurrent resolution (H. Con. Res. 80) was agreed to.

The preamble was agreed to.

MEASURES READ FOR THE FIRST TIME—H.R. 6, H.R. 10, H.R. 586, AND H.R. 622

Mr. DASCHLE. With respect to the following four bills which are at the desk, H.R. 6, H.R. 10, H.R. 586, and H.R. 622, I ask unanimous consent that they be considered as having been read the first time, and I further ask the requests for their second reading be objected to, en bloc.

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

Under the rule, the bills will receive their second reading on the next legislative day.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 149, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 149) permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Shulz.

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

Mr. DASCHLE. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statement relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 149) was agreed to.

The preamble was agreed to.

ADDITIONAL STATEMENTS

IN MEMORIAM OF REVEREND DOCTOR LEON HOWARD SULLIVAN

• Mr. SANTORUM. Mr. President, on Sunday, June 30, 2001, family, friends, colleagues, and former parishioners will gather to memorialize Reverend Doctor Leon Howard Sullivan—to celebrate his life, and recognize his accomplishments as one the most outstanding and effective civil and human rights leaders born in the 20th century. I rise today to lend my thoughts and reflections as I was privileged to know Rev. Sullivan, and to have worked with him on initiatives important to Philadelphia, as well on African trade and development issues.

Reverend Sullivan was born into poverty in an unpaved alley in an unpainted clapboard house in Charleston, WV on October 16, 1922. From such humble beginnings began a life's journey that was to last seventy-eight years.

Sullivan was born in a State that practiced ''Jim Crow Laws,'' and while still in grade school, he started in his own way to fight against racial discrimination. By the time he was in the tenth grade, he had sat-in and been told to leave every drug store and eatery where ''only whites'' were allowed to sit in the city of Charleston, WV. At the age of sixteen, he won a basketball and football scholarship to West Virginia State College.

Sullivan graduated from West Virginia State College at the age of twenty, and at the invitation of the Rev. Adam Clayton Powell, traveled to New York City. He was successful in winning a scholarship to the Union Theological Seminary. Rev. Powell also helped him secure his first job as a coin collector for the Bell Telephone Company. Leon H. Sullivan became the first African-American in the United States to hold that position.

In 1941, at the age of twenty-one, Sullivan was elected President of the March on Washington organized by A. Phillip Randolph, President of the Brotherhood of Sleeping Car Porters,

the first African-American recognized and controlled union in America. A few days before the march was scheduled to take place, President Roosevelt acted on the demands of the march organizers to end discrimination against African-Americans on Army and Navy industrial installations. From the first march on Washington that never took place came Executive Order 8802. This action ended discrimination against African-American workers in government ordnance plants.

Sullivan's career path continued when he accepted the position of assistant pastor to Rev. Powell. It was here that he learned first-hand about church administration and the art of running a political campaign. During this time, Rev. Powell campaigned for and won his seat in the U.S. Congress. It was also during this period of time that Sullivan met his life partner, Grace Banks.

In 1944, in Philadelphia, PA, Leon and Grace were married. Not long after marrying, Leon Sullivan was called to lead The First Baptist Church of South Orange, NJ. While serving as pastor, he started a number of outreach ministries and continued his education at Union Theological Seminary and Columbia University.

In 1950, Sullivan was called to be the pastor of the Zion Baptist Church of Philadelphia, where he would serve as pastor for the next thirty-eight years. The church membership grew from 600 to 6,000 and many outreach ministries were born. It was during his pastorship of Zion Baptist Church that Rev. Sullivan became locally, nationally and internationally known for his civil rights and human rights activities. One of these outreach programs was the Citizens Committee that worked with the police in the community to actively reduce crime.

In 1955, Rev. Sullivan was chosen as one of the Ten Most Outstanding Men in America and presented the award by Vice President Richard M. Nixon. His achievements would also be recognized by Presidents George Bush in 1992 and Bill Clinton in 1999 when he received the Presidential Medal of Freedom and the Eleanor Roosevelt Award respectively.

Rev. Sullivan founded the Youth Employment Service, and in 1957, it was cited by the Freedom Foundation as the most effective, privately-developed employment program in the nation.

A year later, Rev. Sullivan would undertake a great challenge that confronted African-Americans in the city of Philadelphia and across the Nation. Encouraged by his wife, Rev. Sullivan set out to bolster employment opportunities for African-American Philadelphians. This effort would prove to be a turning point in the civil rights movement for the Nation. With the assistance of 400 ministers in Philadelphia, Rev. Sullivan began the movement called ''Selective Patronage.'' The movement had one message, ''if the company won't hire blacks, don't buy their products.'' That movement became very successful in Philadelphia and led to the employment of thousands of African-Americans who were previously unwelcome as employees.

In 1962, at the request of Rev. Dr. Martin Luther King, Rev. Sullivan traveled to Atlanta to explain to King and the black ministers working with him, about Selective Patronage and how it worked. A few months later a similar program was started by Dr. King.

Rev. Sullivan went on to make one of his greatest contributions by creating the Opportunities Industrialization Center, OIC. This job training and retraining program, initially started in Philadelphia, expanded operations to more than 100 cities throughout the United States and in 19 countries. OIC job training programs have enabled thousands of people to acquire the tools needed to secure skilled jobs with good wages. The OICs of America, in conjunction with OIC International, have trained more than 2 million men and women.

Further building on Rev. Sullivan's philosophy of self-help and empowerment, he founded the International Foundation for Education and Self Help, IFESH, in 1983. IFESH is a non-governmental, non-profit organization with a mission of reducing poverty, promoting literacy, providing skilled job training, and providing basic and preventive health care. Specifically, IFESH designed programs to train 100,000 skilled workers; prepare 100,000 people for the farming profession; and help five million people achieve literacy. IFESH programs are international in scope with a strong emphasis on fostering social, cultural and economic relations between Africans and Americans.

Rev. Sullivan's vision of and dedication to empowerment, equality and fairness touched many lives throughout the world. One of his celebrated accomplishments is the establishment of a code of conduct for companies operating in South Africa. These principles, known as the Sullivan Principles, are the standard for social responsibility and equal opportunity, and are recognized to be one of the most effective efforts to end workplace discrimination in South Africa.

Rev. Sullivan built a bridge between America and Africa by organizing the five African/African-American Summits that were held in Africa. The first summit was in the Cote d'Ivoire and drew 2,000 people and the last was in Accra, Ghana with 4,200 people attending from throughout the United States and Africa. The last summit included 12 African heads of state, five vice presidents and prime ministers, and 14 delegations led by ministers of state. From the business community, more than 300 American businesses were represented.

The life's work of Rev. Leon Sullivan charted a course and paved the way for hope, opportunity, and fulfillment for many African-Americans in Philadelphia, across the Nation, and throughout the world. In memorializing Rev. Sullivan, we celebrate his monumental contributions and achievements as a civil rights leader and a human rights advocate.●

DR. STEPHEN R. PORTCH: CHANCELLOR, UNIVERSITY SYSTEM OF GEORGIA

● Mr. CLELAND. Mr. President, I rise before you on this day to recognize the outstanding achievements, hard work, and dedication of Dr. Stephen R. Portch, the ninth Chancellor of the University System of Georgia. This day should be both celebrated and lamented, for it is a delight to honor my good friend, Chancellor Portch, yet saddening to bid the Chancellor farewell.

John Stuart Mill, a revered philosopher, political scientist, and educator, left an indelible mark on his students at the University of St. Andrews in Scotland, where he once said, ''There is nothing which spreads more contagiously from teacher to pupil than elevation of sentiment: Often and often have students caught from the living influence of a professor a noble ambition to leave the world better than they found it;'' This is just what Chancellor Portch has done; he has helped make the world a better place. As a professor of English Literature Dr. Portch has enriched and inspired the lives of many individuals. He has awakened students' dormant interest in literature and the world around them. Together with the Georgia Board of Regents, the governing body of the University System, Dr. Portch has continued to promote education and has made tremendous improvements to the Georgia University System.

Chancellor Portch, a native of Somerset, England, earned his Bachelor's Degree in English from the University of Reading in England, and a Master's and Ph.D in English from Penn State. Richmond University in England granted Dr. Portch an honorary doctorate, and he was named by Change, The Magazine of Higher Learning as one of its ''21 Most Influential Voices.'' Georgia Trend magazine has repeatedly identified Dr. Portch as one of the most powerful and influential citizens in our State, and the Atlanta Business Chronicle placed Dr. Portch on its list of the ''100 Most Influential Atlantans.'' Dr. Portch served on former U.S. Education Secretary Richard Riley's National Commission on the High School Senior Year. Stephen R. Portch has been a familiar and lauded name in the literary world and has become a very well recognized and respected name in Georgia.

The University System and the Georgia Board of Regents are committed to improving higher education, and in 1994, under Dr. Portch's leadership, the Board adopted the program, ''Access to Academic Excellence for the New Millennium.'' In 1995, Chancellor Portch

introduced another new policy directed at the need for reform in an effort to recognize that all sectors of education are vitally linked and that improvement in one sector requires a reciprocal effort in all other sectors. Dr. Portch implemented a new admissions policy, raising the bar for admissions in all 34 public institutions in Georgia. The work of Chancellor Portch has helped elevate the average SAT score in Georgia public institutions, increase member school salaries by over 35 percent, and has raised overall quality of education throughout the state.

Henry Brooks Adams once said, ''A teacher affects eternity; he can never tell where his influence stops.'' Although Dr. Portch is stepping down as Chancellor of the University System, I assure you that we will continue to feel his presence and benefit from his service well into the future.●

MR. GEORGE C. SPRINGER: PRESIDENT, CONNECTICUT STATE FEDERATION OF TEACHERS

● Mr. LIEBERMAN. Mr. President, I rise today with great pride to honor my friend and a friend of working families, Mr. George C. Springer, who is retiring as president of the Connecticut State Federation of Teachers. For more than 20 years, George fought valiantly to ensure that our educators had the tools and resources necessary to provide the best possible education to our most prized possession, our children.

Widely known for his leadership, George united teachers and administrators in seeking ways to improve our schools. His innovative style led to compromise and understanding and opened a dialogue that generated ideas aimed at helping our children. During his tenure, Connecticut's public schools have attained a reputation of excellence that continues today.

George's calm, well thought out ways of handling the issues facing our teachers and schools is testament of his visionary leadership style. Further, his abilities in bringing people together to work for an important goal serve as a model for labor union leadership across our nation.

On behalf of the people of Connecticut, I thank George for his leadership in making Connecticut's schools better places to teach and learn and for making our community a better place for everyone.●

RECOGNITION OF THE DISTINGUISHED CAREER OF JOHN C. TITCHNER

● Mr. JEFFORDS. Mr. President, I rise today on behalf of myself and Senator LEAHY to honor John C. Titchner, Vermont's State Resource Conservationist, who is retiring after thirty-six years with the United States Department of Agriculture.

John Titchner's career is among the most distinguished in the history of the Soil Conservation Service and the Natural Resource Conservation Service, NRCS. He began his work with the USDA in 1965, and has served as Vermont State Conservationist since 1981. At the time of his retirement, he was the longest serving among all active State Conservationists.

John has guided the Natural Resource Conservation Service in Vermont through many changes in agricultural policy and administration. Under his direction, the NRCS has handled an ever increasing number of programs and special projects to support farmers and conserve our natural resources. The lakes and streams of Vermont are clearer and cleaner today as a result of his work.

For many years, Senator LEAHY and I have each looked to John as an advisor on agriculture and conservation. In this role, he has had a significant impact on national agricultural policy.

John has assumed many leadership roles in his profession and in his community. These include serving as a member of the Lake Champlain Steering Committee, Chairman of the Vermont Food and Agricultural Council, and President of the Vermont Federal Executives Association.

John C. Titchner's career stands as an outstanding example for all who choose to serve their community and their country.●

MESSAGE FROM THE HOUSE

At 3:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1183. An act to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building.''

H.R. 2043. An act to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building.''

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 100. Concurrent resolution commending the American Football Coaches Association for its dedication and efforts to protect children and locate the Nation's missing, kidnapped, and runaway children.

H. Con. Res. 149. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz.

The message further announced that pursuant to section 801(b) of Public Law 100–696, the Speaker appoints the following Members of the House of Representatives to the United States Capitol Preservation Commission: Mr. TAYLOR of North Carolina and Mr. LATOURETTE of Ohio.

The message also announced that pursuant to section 801 of Public Law 100–696, Mr. EHLERS of Michigan, Chairman of the Joint Committee on the Library appoints the following Member of the House of Representatives to be his designee on the United States Capitol Preservation Commission: Mr. MICA of Florida.

The message further announced that the House has agreed to the following resolution:

H. Res. 157. Resolution stating that the House has heard with profound sorrow of the death of the Honorable John Joseph Moakley, a Representative from the Commonwealth of Massachusetts.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1183. An act to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building''; to the Committee on Governmental Affairs.

H.R. 2043. An act to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building''; to the Committee on Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 6. An act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability.

H.R. 10. An act to provide for pension reform, and for other purposes.

H.R. 586. An act to amend the Internal Revenue code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes.

H.R. 622. An act to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2146. A communication from the Secretary of Health and Human Services, transmitting, a report relative to the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Governmental Affairs.

EC–2147. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Program Performance Report for Fiscal Year 2000 and the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–2148. A communication from the Chairman of the Federal Reserve System, transmitting, the report of the Office of Inspector General for the period October 1, 2000

through March 31, 2001; to the Committee on Governmental Affairs.

EC–2149. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for March 2001; to the Committee on Governmental Affairs.

EC–2150. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2151. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2152. A communication from the Secretary of Labor, transmitting , pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2153. A communication from the Chairman of the Federal Laboratory Consortium for Technology Transfer, transmitting, pursuant to law, the Performance Report for Fiscal Years 1999 and 2000; to the Committee on Governmental Affairs.

EC–2154. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2155. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–2156. A communication from the Acting Administrator of the Small Business Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2157. A communication from the Acting Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law , the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2158. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''FOIA Administrative Appeals'' (Ann. 2001–58, 2001–22) received on May 15, 2001; to the Committee on Finance.

EC–2159. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certain Assets Transfers to Regulated Investment Companies and Real Estate Investment Trusts'' (RIN1545–AW92) received on May 21, 2001; to the Committee on Finance.

EC–2160. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Labeling Proceedings; Delegation of Authority Part 13'' (RIN1512–AC21) received on May 24, 2001; to the Committee on Finance.

EC–2161. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to Alaska and Hawaii; to the Committee on Finance.

EC–2162. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice—Clarifying Reporting Instructions Under Section 6041A'' (Not. 2001–38) received on May 25, 2001; to the Committee on Finance.

EC–2163. A communication from the Chief of the Regulations Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extraterritorial Income Exclusion Elections'' (Rev. Rul. 2001–37) received on May 25, 2001; to the Committee on Finance.

EC–2164. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Long Island Viticultural Area'' (2000R–219P) received on May 29, 2001; to the Committee on Finance.

EC–2165. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''River Junction Viticultural Area'' (98R–192P) received on May 29, 2001; to the Committee on Finance.

EC–2166. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Package Use-Up Rule for Roll-Your Own Tobacco Manufacturers'' (RIN1512–AB92) received on May 29, 2001; to the Committee on Finance.

EC–2167. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applegate Valley Viticultural Area'' (99R–112P) received on May 29, 2001; to the Committee on Finance.

EC–2168. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''BLS–LIFO Department Store Indexes—April 2001'' (Rev. Rul. 2001–28) received on May 30, 2001; to the Committee on Finance.

EC–2169. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report concerning Medicare Payment for Nursing and Allied Health Education dated May 2001; to the Committee on Finance.

EC–2170. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the 2001 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC–2171. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law , the report of a rule entitled ''Medicaid Program; Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Inpatient Psychiatric Services to Individuals Under Age 21'' (RIN0938–AJ96) received on June 1, 2001; to the Committee on Finance.

EC–2172. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Hospital Conditions of Participation: Anesthesia Services: Delay of Effective Date'' (RIN0938–AK08) received on June 1, 2001; to the Committee on Finance.

EC–2173. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Santa Rita Hills Viticultural Area'' (98R–129P) received on June 1, 2001; to the Committee on Finance.

EC–2174. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination Number 2001–6, relative to the People's Republic of China; to the Committee on Finance.

EC–2175. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination Number 2001–17, relative to Vietnam; to the Committee on Finance.

EC–2176. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan Louisiana; Nonattainment Major Stationary Source Revision'' (FRL6988–4) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2177. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of the 1-Hour Ozone Standard for the Phoenix Metropolitan Area, Arizona and Determination Regarding Applicability of Certain Clean Air Act Requirements'' (FRL6989–1) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2178. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia: Clarifying Revisions to 9 VAC 5 Chapter 40 Fuel Burning Equipment'' (FRL6987–9) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2179. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana; (Cereal Mills)'' (FRL6985–3) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2180. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan; Indiana'' (FRL6986–2) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2181. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Notice of Availability of Grants for Development of Coastal Recreation Water Monitoring and Public Notification Under the Beaches Environmental Assessment and Coastal Health Act'' (FRL6987–2) received on May 24, 2001; to the Committee on Environment and Public Works.

EC–2182. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries'' (FRL6967–5) received on May 25, 2001; to the Committee on Environment and Public Works.

EC–2183. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority

for Hazardous Air Pollutants; Chemical Accident Prevention Provisions and Risk Management Plans; Delaware: Approval of Accidental Release Prevention Program'' (FRL6988–3) received on May 31, 2001; to the Committee on Environment and Public Works.

EC–2184. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL6938–8) received on May 31, 2001; to the Committee on Environment and Public Works.

EC–2185. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Post-1996 Rate of Progress Plan'' (FRL6990–6) received on May 31, 2001; to the Committee on Environment and Public Works.

EC–2186. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a document entitled ''Final Guidance Document for the Award and Administration of Operator Certification Expense Reimbursement Grants'' ; to the Committee on Environment and Public Works.

EC–2187. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program'' (FRL6990–4) received on May 31, 2001; to the Committee on Environment and Public Works.

EC–2188. A communication from the Director of the Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network , Design Standards for Participating Websites'' (RIN3150–AG44) received on June 1, 2001; to the Committee on Environment and Public Works.

EC–2189. A communication from the Acting Chief of the Endangered Species Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species: Final Rule to Remove Umpqua River Cutthroat Trout from the Federal List of Endangered and Threatened Species'' (RIN0648–AP17) received on June 1, 2001; to the Committee on Environment and Public Works.

EC–2190. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Arizona and California State Implementation Plans, Maricopa County Environmental Services Department, Placer County Air Pollution Control District and South Coast Air Quality Management District'' (FRL6987–3) received on June 4, 2001; to the Committee on Environment and Public Works.

EC–2191. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Harlem River, NY (CGD01–01–030)'' ((RIN2115–AE47)(2001–0037)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2192. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Chelsea River, MA (CGD01–01–036)'' ((RIN2115–AE47)(2001–0034)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2193. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Hutchinson River, Eastchester Creek, NY (CGD01–01–040)'' ((RIN2115–AE47)(2001–0035)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2194. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Guayanilla Bay, Guayanilla, Puerto Rico (COTP San Juan 00–095)'' ((RIN2115–AA97)(2001–0012)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2195. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks (CGD01–00–221)'' ((RIN2115–AA97)(2001–0014)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2196. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Long Island, New York Inland Waterway from East Rockway Inlet to Shinnecock Canal, NY (CGD–01–01–031)'' ((RIN2115–AE47)(2001–0038)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2197. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Cerritos Channel, Long Beach, CA (CGD11–01–006)'' ((RIN2115–AE47)(2001–0036)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2198. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Newtown Creek, Duth Kills, English Kills and their Tributaries, NY (CGD01–01–032)'' ((RIN2115–AE47)(2001–0039)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2199. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Oakland Inner Harbor Tidal Canal, Alameda County, California (CGD11–99–013)'' ((RIN2115–AE47)(2001–0041)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2200. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Hackensack River, NJ (CGD01–01–025)'' ((RIN2115–AE47)(2001–0032)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2201. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Inland Waterways Navigation Regulations; Ports and Waterways Safety (CGD09–00–010)'' (RIN2115–AG01) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2202. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico (CGD08–00–012)'' (RIN2115–AG02) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2203. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Queens Millennium Concert Fireworks, East River, NY (CGD01–01–015)'' ((RIN2115–AA97)(2001–0011)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2204. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Sacramento River, CA (CGD11–01–0055)'' ((RIN2115–AE47)(2001–0040)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2205. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Crescent Harbor, Sitka, AK'' ((RIN2115–AA97)(2001–0013)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2206. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Potomac River, between Alexandria, Virginia and Oxon Hill, Maryland'' ((RIN2115–AE47)(2001–0033)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2207. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY'' ((RIN2115–AE47)(2001–0044)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2208. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Namitowoc River, Wisconsin'' ((RIN2115–AE47)(2001–0043)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2209. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting,

pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Chef Menteur Pass, LA'' ((RIN2115–AE47)(2001–0042)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2210. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of V 611 and Revocation of V 19'' ((RIN2120–AA66)(2001–0096)) received on May 24 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–2211. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes'' ((RIN2120–AA64)(2001–0223)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2212. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model SA 315B, SA 316B, SA 316C, SE 3160, and SA 319B Helicopters'' ((RIN2120–AA64)(2001–0224)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2213. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 8 Series Airplanes'' ((RIN2120–AA64)(2001–0226)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2214. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: PIAGGIO AERO INDUSTRIES SpA Model P–180 Airplanes'' ((RIN2120–AA64)(2001–0225)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2215. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727–100, –100C, and –200 Series Airplanes'' ((RIN2120–AA64) (2001–0228)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2216. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce Corp A 3007 Series Turbofan Engines'' ((RIN2120–AA64)(2001–0227)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2217. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standards Instrument Approach Procedures; Miscellaneous Amendments (36)'' ((RIN2120–AA65)(2001–0033)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2218. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Construcciones Aeronauticas SA Model CN 235 Series Airplanes'' ((RIN2120–AA64)(2001–0229)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2219. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Egegik, AK'' ((RIN2120–AA66)(2001–0093)) received on May 24 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–2220. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standards Instrument Approach Procedures; Miscellaneous Amendments (35)'' ((RIN2120–AA65)(2001–0034)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2221. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of P 49 Crawford TX'' ((RIN2120–AA66)(2001–0095)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2222. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Ketchikan, AK'' ((RIN2120–AA66)(2001–0094)) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2223. A communication from the Secretary of the Commission, Office of General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996'' received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2224. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Regulations under the Fur Products Labeling Act'' received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2225. A communication from the Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Federal-State Joint Board on Universal Service; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interchange Carriers'' (Doc. Nos. 96–45 and 00–256) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2226. A communication from the Deputy Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Jurisdictional Separations and Referral to the Federal-State Joint Board'' (Doc. No. 80–286) received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2227. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Railroad Administration, received on May 25, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2228. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a closure (opens Pacific cod apportioned for processing by the offshore component in the Western Regulatory Area, Gulf of Alaska)'' received on May 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2229. A communication from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, the report of a rule entitled ''Amendment of Parts 2 and 87 of the Commission's Rules to Accommodate Advanced Digital Communications in the 117.975–137 MHz Band and to Implement Flight Information Service in the 136–137 MHz Band'' (Doc. No. 00–77) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, and Mr. REID):

S. 989. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S. 990. A bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. BINGAMAN, Mr. DURBIN, Mr. FEINGOLD, Mr. HAGEL, Mr. MURKOWSKI, and Mr. SESSIONS):

S. 991. A bill to authorize the President to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (post-humously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of HIggins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NICKLES (for himself, Mr. CONRAD, Mr. FRIST, and Mr. TORRICELLI):

S. 992. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

By Mrs. CARNAHAN (for herself and Mr. BOND):

S. 993. A bill to extend for 4 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Res. 100. A resolution to elect Robert C. Byrd, a Senator from the State of West Virginia, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. DASCHLE:

S. Res. 101. A resolution notifying the House of Representatives of the election of a President pro tempore of the Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 102. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. LOTT:

S. Res. 103. A resolution expressing the thanks of the Senate to the Honorable Strom Thurmond for his service as President Pro Tempore of the United States Senate and to designate Senator Thurmond as President Pro Tempore Emeritus of the United States Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 104. A resolution electing Martin P. Paone of Virginia as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 105. A resolution electing Elizabeth B. Letchworth of Virginia as Secretary for the Minority of the Senate; considered and agreed to.

By Mr. BAYH (for himself and Mr. DOMENICI):

S. Res. 106. A resolution encouraging and promoting greater involvement of fathers in their children's lives and designating Father's Day 2001, as ''National Responsible Father's Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 19, a bill to protect the civil rights of all Americans, and for other purposes.

S. 252

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 252, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 459

At the request of Mr. BUNNING, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 464

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 464, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for long-term care givers.

S. 487

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 487, a bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other purposes.

S. 508

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 508, a bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 571

At the request of Mr. THURMOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 571, a bill to provide for the location of the National Museum of the United States Army.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 662

At the request of Mr. DODD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to other wise commemorate , certain individuals.

S. 677

At the request of Mr. BREAUX, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 685

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 685, a bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 697, supra.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 700, a bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as ''mad cow disease'') and foot-and-mouth disease in the United States.

S. 764

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 764, a bill to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and for other purposes.

S. 769

At the request of Mr. BROWNBACK, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 769, a bill to establish a carbon sequestration program and an implementing panel within the Department of Commerce to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the buildup of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change.

S. 777

At the request of Mr. ALLEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 777, a bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

S. 794

At the request of Mr. THOMPSON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 794, a bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 805

At the request of Mr. WELLSTONE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 834

At the request of Mr. MURKOWSKI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 834, a bill to provide duty-free treatment for certain steam or other vapor generating boilers used in nuclear facilities.

S. 857

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 857, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 952

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 957

At the request of Mr. WELLSTONE, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 957, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 964

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 964, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 965

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 965, a bill to impose limitations on the approval of applications by major carriers domiciled in Mexico until certain conditions are met.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Missouri (Mr. BOND), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 68

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 68, a resolution designating September 6, 2001 as ''National Crazy Horse Day.''

S. RES. 71

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 91

At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 91, a resolution condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

S. CON. RES. 34

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 34, a concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 459

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 459.

AMENDMENT NO. 509

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 509.

AMENDMENT NO. 517

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 517.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, Mr. TORRICELLI, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, and Mr. REID):

S. 989. A bill to prohibit racial profiling; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I rise along with the Senator from New Jersey, Mr. CORZINE, and the Senator from New York, Mrs. CLINTON, and others, to introduce the End Racial Profiling Act of 2001. This bill is a package of steps to eliminate racial profiling once and for all. Congress should protect the rights of all Americans to walk, drive, or travel on our streets and highways and through our airports free of discrimination. It is time for us to act.

I am very pleased to be joined by a number of distinguished colleagues. I simply have to point out that I think almost minutes after Senators CORZINE and CLINTON were sworn in, they were already talking to me and Representative CONYERS of the House about how we could introduce a strong bill to deal with this problem. I thank them and appreciate the strong work and support they have given. They have made significant contributions and have offered good ideas to strengthen the legislation.

I also acknowledge our long-time leader on this issue, Representative JOHN CONYERS, the ranking member of the House Judiciary Committee. He is introducing the companion bill in the House today. This is the third Congress in which Representative CONYERS has introduced legislation on racial profiling. He has fought long and hard to educate the Congress and all Americans about racial profiling. Before he took on the issue, I don't think many of us knew what racial profiling was. I thank Representative CONYERS for his tremendous leadership. It is an honor to be working with him on this bill.

Those who have experienced racial profiling suffer great harm. They are unfairly treated as suspect, humiliated, and can feel fear, anxiety or even anger. It is a grave indignity.

U.S. Army Sergeant Rossano Gerald testified during a hearing in the Judiciary Subcommittee on the Constitution last year about his personal experience as a victim of racial profiling. Sergeant Gerald is a veteran of the Persian Gulf war and a law-abiding citizen. In August 1998, he was driving along a major highway in Oklahoma with his 12-year-old son when he was pulled over and handcuffed. Both he and his son were thrown into the back seat of a state trooper's car while the trooper extensively searched Sergeant Gerald's car. When the entire episode was over, the trooper gave Sergeant Gerald a warning ticket for changing lanes without signaling and left his car with over $1,000 of damage.

In moving testimony before the subcommittee, a hearing which then-Senator ASHCROFT chaired and has said influenced his thinking on the issue, Sergeant Gerald said,

I was very humiliated by this experience. I was embarrassed and ashamed that people driving by would think I had committed a serious crime. It was particularly horrible to

be treated like a criminal in front of my impressionable young son.

Robert Wilkins also testified before the subcommittee. He and his family were stopped along a highway in Maryland. He described his experience as ''humiliating and degrading.'' He said:

So there we were. Standing outside the car in the rain, lined up along the road, with police lights flashing, officers standing guard, and a German Shepard jumping on top of, underneath, and sniffing every inch of our vehicle. We were criminal suspects; yet we were just trying to use the interstate highway to travel from our homes to a funeral. It is hard to describe the frustration and pain you feel when people presume you to be guilty for no good reason and you know that you are innocent. I particularly remember a car driving past with two young children in the back seat, noses pressed against the window. They were looking at the policemen, the flashing lights, the German Shepard and us. In this moment of education that each of us receives through real world experiences, those children were putting two and two together and getting five. They saw some black people standing along the road who certainly must have been bad people who had done something wrong, for why else would the police have them there? They were getting an untrue, negative picture of me, and there was nothing in the world that I could do about it.

Mr. President, as Americans, we take great pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our own choosing, free to move about as we please, and free from the intrusion of the government in that movement.

Immigrants came to our nation's shores to escape arbitrary government. Fleeing the British Government's discrimination based on religion in the 1600s, Puritans came to Massachusetts, Quakers came to New Jersey and then Pennsylvania, Catholics came to Maryland, and Jews came to Rhode Island.

And responding to indiscriminate searches and seizures conducted by the British, our Founders adopted the fourth amendment, which states: ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . .''

It is thus fundamental to American history and rooted in American law that the officers of the state may not arrest or detain its citizens arbitrarily or without cause.

But this is not the case for all Americans today. Some Americans still cannot walk where they choose. Some Americans cannot travel free from the harassment of the government. Some Americans still do not receive the full benefit of their civil rights.

Although many did come to these shores as immigrants, many came in chains, because of the color of their skin. They and their descendants endured our nation's long struggle against slavery and discrimination. Sadly, even now, skin color alone still makes too many Americans more likely to be a suspect, more likely to be stopped, more likely to be searched, more likely to be arrested, and more likely to be imprisoned.

Mr. President, I believe that the vast majority of law enforcement agents nationwide discharge their duties professionally, without bias, and protect the safety of their communities. But I also believe that racial profiling is a very real problem. The use by law enforcement officers of race, ethnicity or national origin in deciding which persons should be subject to traffic stops, stop and frisks, questioning, searches and seizures is a problematic law enforcement tactic.

Mr. President, the bill that Representative CONYERS first introduced in the 105th Congress, and which we introduced again in the 106th Congress, was a traffic stops study bill. It would have required the Attorney General to conduct a nationwide study of traffic stops based on existing data and a sampling of jurisdictions that would provide additional data to the Attorney General. We proposed a study bill because, at that time, there was still very much education that needed to take place in Congress and America. We thought that a study would provide the facts to show people that racial profiling indeed is very real in America today.

Mr. President, we no longer need, just a study. We now have facts that show us that racial profiling is a problem. Statistical evidence from a number of jurisdictions across the country demonstrates that racial profiling is a real and measurable phenomenon. For example, data collected under a federal court consent decree revealed that between January 1995 and 1997, 70 percent of the drivers stopped and searched by the Maryland State Police on Interstate 95 were black, while only 17.5 percent of drivers and speeders were black.

A 1992 study of traffic stops in Volusia County, Florida revealed that 70 percent of those stopped on a particular interstate highway in central Florida were black or Hispanic, although only 5 percent of the motorists on that highway were black or Hispanic. Further, minorities were detained for longer periods of time per stop than whites, and were 80 percent of those whose cars were searched after being stopped.

We also know that racial profiling is a problem not only for motorists on our nation's highways. Racial profiling, unfortunately, extends to racial and ethnic minority Americans as pedestrians or travelers through our nation's airports.

A December 1999 report by New York's Attorney General on the use of ''stop and frisk'' tactics by the New York City Police Department revealed that between January 1998 through March 1999, 84 percent of the almost 175,000 people stopped by NYPD were black or Hispanic, despite the fact that these two groups comprised less than half of the city's population.

A March 2000 GAO report on the U.S. Customs Service found that black, Asian, and Hispanic female U.S. citizens were 4 to 9 times more likely than white female U.S. citizens to be subjected to X-rays after being frisked or patted down.

Many of those who deny that racial profiling is a problem have argued that these discrepancies can be justified by the fact that blacks and other minorities are more likely to commit crimes—especially drug-related crimes—than whites, and that profiling therefore amounts to a rational law enforcement tactic. The statistics refute this argument.

Although black motorists were disproportionately stopped on I–95 by the Maryland State Police, the instances in which police actually found drugs were the same per capita for white and black motorists.

In Volusia County, Florida, where 70 percent of more than 1000 traffic stops of motorists on an interstate highway were of minority drivers, only 9 stops resulted in so much as a traffic ticket.

The New York Attorney General's report on NYPD stop and frisk tactics revealed that stops of minorities were less likely to lead to arrests than stops of white New Yorkers—the NYPD arrested one white New Yorker for every 8 stops, one Hispanic New Yorker for every 9 stops, and one black New Yorker for every 9.5 stops.

The General Accounting Office found that while black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service, black females were less than half as likely to be found carrying contraband as white females.

In my home state of Wisconsin, racial profiling has touched the lives of many law abiding citizens, including African Americans, Latino Americans, and Asian Americans. My state is home to one of the largest Hmong and Lao populations in the country. They came to our country seeking safety and freedom. But their dreams of freedom have somehow been tarnished by unfair stops by police officers.

I am very pleased that during the last year, a Task Force appointed by former Governor Tommy Thompson developed a set of recommendations for combating racial profiling and restoring the important trust that must exist between law enforcement officials and the communities they are charged to protect and serve.

Because, as we know, racial profiling undermines the willingness of people to work with the police. As one victim of racial profiling in Glencoe, Illinois, said: ''Who is there left to protect us? The police just violated us.''

Mr. President, current efforts by state and local governments to eradicate racial profiling and redress the harms it causes, while laudable, have been limited in scope and insufficient to address this problem nationwide.

During his confirmation hearing, Attorney General Ashcroft said:

I think racial profiling is wrong. I think it's unconstitutional. I think it violates the 14th Amendment. I think most of the men and women in our law enforcement are good

people trying to enforce the law. I think we all share that view. But we owe it to provide them with guidance to ensure that racial profiling does not happen.

This February in his Address to Congress, President Bush said, ''It's wrong, and we will end it in America.'' At remarks marking Black History Month this February in Washington, DC, President Bush said that he would ''look at all opportunities'' to end racial profiling.

Attorney General Ashcroft then wrote Congress to say that the traffic stops statistics study bill that we wrote and supported in the last Congress ''is an excellent starting place for such an enterprise.''

While I welcome the administration's statements, it is now no longer time simply to study. It is time to move beyond studying whether racial profiling exists. We know it exists. Now, let's take the right steps to eliminate it and protect the rights of all Americans to walk or travel free of discrimination. It is time to act. I urge the Attorney General and President to support this bill as the best opportunity to translate our nation's promises into action.

Representative CONYERS and I have taken a fresh look at the role Congress can play in eliminating racial profiling by all law enforcement agencies. Our bill reflects the President's and Attorney General's view that racial profiling is wrong and should end. This bill has two major components. First, the bill explicitly bans racial profiling. Second, the bill sets out several steps for federal, state, and local law enforcement agencies to take to eliminate racial profiling. The bill takes a ''carrot and stick'' approach. It conditions federal funds to state and local law enforcement agencies on their compliance with certain requirements, but also authorizes the Attorney general to provide incentive grants to assist agencies with complying with this Act. The bill requires federal, state, and local law enforcement agencies to adopt policies prohibiting racial profiling; implement complaint procedures to respond to complaints of racial profiling effectiely; implement disciplinary procedures for officers who engage in the practice; and collect data on stops.

Grants awarded by the Attorney general could be used for training to prevent racial profiling; the acquisition of in-car video cameras and other technology; and the development of procedures for receiving, investigating, and responding to complaints of racial profiling. Finally, the bill would require the Attorney General to report to congress two years after enanctment of the Act and each year thereafter on racial profiling in the United States. These are the right steps to take in the interest of better police practices and increased accountability.

Mr. President, this bill is a priority for the civil rights community. It has the support of the Leadership Conference on Civil rights and its member organizations like the NAACP, National Council of La Raza, and ACLU. This bill reflects a new political reality: both Republicans and Democrats can agree that racial profiling is wrong and should be eliminated. Congress can play a role in ensuring that all police departments do their part and give them the financial assistance they may need to get the job done. I urge my colleagues to join with me, Senators CORZINE, CLINTON, KENNEDY, TORRICELLI, SCHUMER, DURBIN, and STABENOW in supporting the End Racial Profiling Act of 2001.

We Americans take great pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our choosing, free to move about as we please, and free of the intrusion of the Government in that movement.

Mr. President, I ask that the text of the bill be printed in the RECORD immediately following my statement.

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

S. 989

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''End Racial Profiling Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—PROHIBITION OF RACIAL PROFILING

Sec. 101. Prohibition.
Sec. 102. Enforcement.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 201. Policies to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Sec. 301. Policies required for grants.
Sec. 302. Best practices development grants.

TITLE IV—DEPARTMENT OF JUSTICE REPORT ON RACIAL PROFILING IN THE UNITED STATES

Sec. 401. Attorney General to issue report on racial profiling in the United States.
Sec. 402. Limitation on use of data.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Sec. 501. Definitions.
Sec. 502. Severability.
Sec. 503. Savings clause.
Sec. 504. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) The vast majority of law enforcement agents nationwide discharge their duties professionally, without bias, and protect the safety of their communities.

(2) The use by police officers of race, ethnicity, or national origin in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is a problematic law enforcement tactic. Statistical evidence from across the country demonstrates that such racial profiling is a real and measurable phenomenon.

(3) As of November 15, 2000, the Department of Justice had 14 publicly noticed, ongoing, pattern or practice investigations involving allegations of racial profiling and had filed five pattern and practice lawsuits involving allegations of racial profiling, with four of those cases resolved through consent decrees.

(4) A large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, or national origin are found to be law-abiding and therefore racial profiling is not an effective means to uncover criminal activity.

(5) A 2001 Department of Justice report on citizen-police contacts in 1999 found that, although African-Americans and Hispanics were more likely to be stopped and searched, they were less likely to be in possession of contraband. On average, searches and seizures of African-American drivers yielded evidence only eight percent of the time, searches and seizures of Hispanic drivers yielded evidence only 10 percent of the time, and searches and seizures of white drivers yielded evidence 17 percent of the time.

(6) A 2000 General Accounting Office report on the activities of the United States Customs Service during fiscal year 1998 found that black women who were United States citizens were 9 times more likely than white women who were United States citizens to be X-rayed after being frisked or patted down and, on the basis of X-ray results, black women who were United States citizens were less than half as likely as white women who were United States citizens to be found carrying contraband. In general, the report found that the patterns used to select passengers for more intrusive searches resulted in women and minorities being selected at rates that were not consistent with the rates of finding contraband.

(7) Current local law enforcement practices, such as ticket and arrest quotas, and similar management practices, may have the unintended effect of encouraging law enforcement agents to engage in racial profiling.

(8) Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects. By discouraging individuals from traveling freely, racial profiling impairs both interstate and intrastate commerce.

(9) Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and the criminal law.

(10) Racial profiling violates the Equal Protection Clause of the Constitution. Using race, ethnicity, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. Arlington Heights v. Metropolitan Housing Development Corporation, 429 U.S. 252 (1977).

(11) Racial profiling is not adequately addressed through suppression motions in criminal cases for two reasons. First, the Supreme Court held, in Whren v. United States, 517 U.S. 806 (1996), that the racially discriminatory motive of a police officer in making an otherwise valid traffic stop does not warrant the suppression of evidence. Second, since most stops do not result in the discovery of contraband, there is no criminal prosecution and no evidence to suppress.

(12) Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while laudable, have been limited in scope and insufficient to address this national problem.

(b) PURPOSES.—The independent purposes of this Act are—

(1) to enforce the constitutional right to equal protection of the laws, pursuant to the Fifth Amendment and section 5 of the 14th Amendment to the Constitution of the United States;

(2) to enforce the constitutional right to protection against unreasonable searches and seizures, pursuant to the Fourth Amendment to the Constitution of the United States;

(3) to enforce the constitutional right to interstate travel, pursuant to section 2 of article IV of the Constitution of the United States; and

(4) to regulate interstate commerce, pursuant to clause 3 of section 8 of article I of the Constitution of the United States.

TITLE I—PROHIBITION OF RACIAL PROFILING

SEC. 101. PROHIBITION.

No law enforcement agent or law enforcement agency shall engage in racial profiling.

SEC. 102. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual injured by racial profiling, may enforce this title in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a District Court of the United States.

(b) PARTIES.—In any action brought pursuant to this title, relief may be obtained against: any governmental unit that employed any law enforcement agent who engaged in racial profiling; any agent of such unit who engaged in racial profiling; and any person with supervisory authority over such agent.

(c) NATURE OF PROOF.—Proof that the routine investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial or ethnic minorities shall constitute prima facie evidence of a violation of this title.

(d) ATTORNEYS' FEES.—In any action or proceeding to enforce this title against any governmental unit, the court may allow a prevailing plaintiff, other than the United States, reasonable attorneys' fees as part of the costs, and may include expert fees as part of the attorney's fee.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 201. POLICIES TO ELIMINATE RACIAL PROFILING.

(a) IN GENERAL.—Federal law enforcement agencies shall—

(1) maintain adequate policies and procedures designed to eliminate racial profiling; and

(2) cease existing practices that encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include the following:

(1) A prohibition on racial profiling.

(2) The collection of data on routine investigatory activities sufficient to determine if law enforcement agents are engaged in racial profiling and submission of that data to the Attorney General.

(3) Independent procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents of the agency.

(4) Procedures to discipline law enforcement agents who engage in racial profiling.

(5) Such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

SEC. 301. POLICIES REQUIRED FOR GRANTS.

(a) IN GENERAL.—An application by a State or governmental unit for funding under a covered program shall include a certification that such unit and any agency to which it is redistributing program funds—

(1) maintains adequate policies and procedures designed to eliminate racial profiling; and

(2) has ceased existing practices that encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a) shall include the following:

(1) A prohibition on racial profiling.

(2) The collection of data on routine investigatory activities sufficient to determine if law enforcement agents are engaged in racial profiling and submission of that data to the Attorney General.

(3) Independent procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents.

(4) Procedures to discipline law enforcement agents who engage in racial profiling.

(5) Such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

(c) NONCOMPLIANCE.—If the Attorney General determines that a grantee is not in compliance with conditions established pursuant to this title, the Attorney General shall withhold the grant, in whole or in part, until the grantee establishes compliance. The Attorney General shall provide notice regarding State grants and opportunities for private parties to present evidence to the Attorney General that a grantee is not in compliance with conditions established pursuant to this title.

SEC. 302. BEST PRACTICES DEVELOPMENT GRANTS.

(a) GRANT AUTHORIZATION.—The Attorney General may make grants to States, law enforcement agencies and other governmental units, Indian tribal governments, or other public and private entities to develop and implement best practice devices and systems to ensure the racially neutral administration of justice.

(b) USES.—The funds provided pursuant to subsection (a) may be used to support the following activities:

(1) Development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public.

(2) Acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities in order to determine if law enforcement agents are engaged in racial profiling.

(3) Acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems.

(4) Development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in or at risk of racial profiling or other misconduct, including the technology to support such systems.

(5) Establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial or ethnic bias by law enforcement agents.

(6) Establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates.

(c) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants under this section are awarded in a manner that reserves an equitable share of funding for small and rural law enforcement agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Attorney General shall make available such sums as are necessary to carry out this section from amounts appropriated for programs administered by the Attorney General.

TITLE IV—DEPARTMENT OF JUSTICE REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 401. ATTORNEY GENERAL TO ISSUE REPORTS ON RACIAL PROFILING IN THE UNITED STATES.

(a) REPORTS.—

(1) IN GENERAL.—Not later than two years after the enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report on racial profiling by Federal, State, and local law enforcement agencies in the United States.

(2) SCOPE.—The reports issued pursuant to paragraph (1) shall include—

(A) a summary of data collected pursuant to sections 201(b)(2) and 301(b)(2) and any other reliable source of information regarding racial profiling in the United States;

(B) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies pursuant to section 201;

(C) the status of the adoption and implementation of policies and procedures by State and local law enforcement agencies pursuant to sections 301 and 302; and

(D) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

(b) DATA COLLECTION.—Not later than six months after the enactment of this Act, the Attorney General shall by regulation establish standards for the collection of data pursuant to sections 201(b)(2) and 301(b)(2), including standards for setting benchmarks against which collected data shall be measured. Such standards shall result in the collection of data, including data with respect to stops, searches, seizures, and arrests, that is sufficiently detailed to determine whether law enforcement agencies are engaged in racial profiling and to monitor the effectiveness of policies and procedures designed to eliminate racial profiling.

(c) PUBLIC ACCESS.—Data collected pursuant to section 201(b)(2) and 301(b)(2) shall be available to the public.

SEC. 402. LIMITATION ON USE OF DATA.

Information released pursuant to section 401 shall not reveal the identity of any individual who is detained or any law enforcement officer involved in a detention.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

SEC. 501. DEFINITIONS.

In this Act:

(1) COVERED PROGRAM.—The term ''covered program'' means any program or activity funded in whole or in part with funds made available under any of the following:

(A) The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs (part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)).

(B) The ''Cops on the Beat'' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), but not including any program, project, or other activity specified in section 1701(d)(8) of that Act (42 U.S.C. 3796dd(d)(8)).

(C) The Local Law Enforcement Block Grant program of the Department of Justice, as described in appropriations Acts.

(2) GOVERNMENTAL UNIT.—The term ''governmental unit'' means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian tribal government.

(3) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means a Federal,

State, local, or Indian tribal public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(4) LAW ENFORCEMENT AGENT.—The term ''law enforcement agent'' means any Federal, State, local, or Indian tribal official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of Federal, State, and local law enforcement agencies.

(5) RACIAL PROFILING.—The term ''racial profiling'' means the practice of a law enforcement agent relying, to any degree, on race, ethnicity, or national origin in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on such criteria in combination with other identifying factors when the law enforcement agent is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect.

(6) ROUTINE INVESTIGATORY ACTIVITIES.—The term ''routine investigatory activities'' includes the following activities by law enforcement agents: traffic stops; pedestrian stops; frisks and other types of body searches; consensual or nonconsensual searches of the persons or possessions (including vehicles) of motorists or pedestrians; inspections and interviews of entrants into the United States that are more extensive than those customarily carried out; and immigration-related workplace investigations.

SEC. 502. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 503. SAVINGS CLAUSE.

Nothing in this Act shall be construed to limit legal or administrative remedies under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 504. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) CONDITIONS ON FUNDING.—Section 301 shall take effect 1 year after the date of enactment of this Act.

Mr. CORZINE. Mr. President, I rise on this special day to talk about an issue that I think defines our health as a society—the issue of racial profiling. I thank my colleagues, Senator FEINGOLD and Senator CLINTON—particularly Senator FEINGOLD, for his tremendous leadership on this issue over several Congresses. During the last session he held a number of hearings on racial profiling, and he and his staff have worked tirelessly to elevate the importance of this issue on to the national agenda as a matter of civil rights. I also would be remiss if I didn't mention Congressman CONYERS, who has taken an equally valiant and effective role in presenting this issue on the floor of the House. It is one about which I think we all feel passionately.

The practice of racial profiling is the antithesis of America's belief in fairness and equal protection under the law. Stopping people on our highways, our streets, and at our borders because of the color of their skin tears at the very fabric of what it is to be an American.

We are a nation of laws, and everyone should receive equal protection under the law. Our Constitution tolerates nothing less. We should demand nothing less. There is no equal protection, there is no equal justice, if law enforcement agencies engage in policies and practices that are premised on a theory that the way to stop crime is to go after black and brown people on the hunch that they are more likely to be criminals.

Let me add that not only is racial profiling wrong, it is also not effective as a law enforcement tool. There is no evidence that stopping people of color adds to catching the bad guys. In fact, there is statistical evidence which points out that singling out black and Hispanic motorists for stops and searches doesn't lead to a higher percentage of arrests. Minority motorists are simply no more likely to be breaking the law than white motorists.

Unfortunately, racial profiling persists. In the last wave of statistics from New Jersey, minority motorists accounted for 73 percent of those searched on the New Jersey Turnpike. Even the State attorney general admitted that State troopers were twice as likely to find drugs or other illegal contraband when searching vehicles driven by whites.

Take the example of the March 2000 General Accounting Office report on the U.S. Customs Service. The report found that black, Asian, and Hispanic women were four to nine times more likely than white women to be subjected to x rays after being frisked or patted down. On the basis of x ray results, black women were less than half as likely as white women to be found carrying contraband.

This is law enforcement by hunch. No warrants, no probable cause. What is the hunch based on? Race, plain and simple.

Nowhere was this more evident than in my own home State 3 Aprils ago. Four young men on the New Jersey Turnpike in a minivan—on their way to North Carolina, hoping to get college basketball scholarships—were stopped by two State troopers. Frightened, the driver lost control of the van, and two dozens shots rang out and struck the van. Three out of the four young men were shot.

I spoke to those kids a while ago. One of them told me he was asleep when his van was pulled over. He told me, ''What woke me up was a bullet.''

Stories such as this should wake us all up in America. The practice of racial profiling broadly undermines the confidence of the American people in the institutions on which we depend to protect and defend us. Different laws for different people do not work.

Now we know that many law enforcement agencies, including some in my home State, have acknowledged the danger of the practice and have taken steps to combat it. I commend them for those efforts. Many law enforcement officials believe this is the step we need to take. It is a national problem. It is not a local problem, it is not a State problem, it is a national problem, and it requires a Federal response applicable to all. That is why my colleagues and I have introduced this legislation to end this practice. We want to be sure there are no more excuses, no more bullets waking folks up on questions about what racial profiling means.

This bill defines racial profiling clearly and then bans it; no routine stops solely on the basis of race, national origin, or ethnicity.

We will also require a collection of statistics to accurately measure whether progress is being made, whether problems exist. By collecting this data, we will get a fair picture of law enforcement at work.

We use statistics in every aspect of our life. I came from the financial services industry. We collected statistics. If you go to a hospital, they collect statistics. We need to do that with regard to law enforcement so we have the information to detect problems early on.

It is not our intention to micromanage law enforcement. Our bill does not tell law enforcement agencies what data should be collected. Instead, we direct the Attorney General to develop the standards for data collection, and he presumably will work with law enforcement in developing those particular standards for particular situations.

Our legislation also specifically directs the Attorney General to establish standards for setting benchmarks against which the collected data should be measured so that no data is taken out of context that some in law enforcement rightly fear.

No, it is an indication, a benchmark, not an absolute. If the numbers reveal a portrait of continued racial profiling, then the Justice Department or independent third parties can seek relief in Federal court ordering that remedies be put into effect to end racial profiling.

Our bill will also put in place procedures to receive and investigate complaints of alleged racial profiling. By the way, this mirrors legislation that is now going through the New Jersey State Legislature on a bipartisan basis. It will require procedures to discipline law enforcement officers engaging in racial profiling.

Finally, we will encourage a climate of cultural change in law enforcement with a carrot and stick. We are not trying to say that this all be done through the law; part of this has to come from a real cultural change.

First the carrot. We recognize that law enforcement should not be expected to do this alone. It is a bigger problem. We are saying if you do the job right, fairly and equitably, you can be eligible to receive a best practices development grant to help pay for the programs dealing with advanced training, to help pay for the computer technology necessary to collect the data, such as hand-held computers in police cars, so statistics can be collected. We will help pay for video cameras and recorders for patrol cars, which protects the person who is stopped and also the law enforcement officer. It has been very well received across this country where it has been applied.

It will help pay for establishing or improving systems for handling complaints alleging ethnic or racial profiling and will help to establish management systems to assure supervisors are held accountable for subordinates.

If they do not do the job right, there is a stick. If State and local law enforcement agencies refuse to implement procedures to end and prevent profiling, they will be subject to a loss of Federal law enforcement funds.

Let me be clear. This bill is not about blaming law enforcement, but we do believe we need to see change. It is not designed to prevent law enforcement from doing its job, it is to encourage them to do a better job. In fact, we believe it will help our law enforcement officers in this Nation maintain the public trust they need to do their jobs.

If race is part of a description of a specific suspect involved in an investigation, this law does not prevent them from using that information or having that information distributed, but stopping people on a random, race-based hunch will be outlawed.

Race has been a never-ending battle in this country. It began with our Constitution when the Founding Fathers argued over the rights of southern slaves. Then we fought a war over race. We fought a war that ripped our country apart. Our country emerged whole, but discrimination and Jim Crow laws continued for decades—discrimination sanctioned in part by our own Supreme Court.

Our country's history has always been about change, about growth, about getting better, about recognizing things that weaken us from within. A generation ago, we began to fight another war, a war founded on peaceful principles, a war that killed our heroes, burned our cities, and shook us, once again, to the very core. But we advanced with important civil rights initiatives, such as the Voting Rights Act, the public accommodation laws. We demanded and gained like laws to fight discrimination in employment, housing, and education.

It is time for us to take another very important step. Racial profiling has bred humiliation, anger, resentment, and cynicism throughout this country. It has weakened respect for the law by many, not just the offended.

I close by putting it in simple words: Racial profiling is wrong, and it must end. Today Senator FEINGOLD, Senator CLINTON, I, and others in the House pledge to do just that: to define it, to ban it, and then enforce that ban.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I cannot help but notice, as I look at the Presiding Officer and the Senator from New Jersey, how fortunate we are to have new Members who have immediately come to the Senate and exerted leadership—the Presiding Officer on education, as well as other issues; and the Senator from New Jersey, his determination and hard work on this has been truly striking. I am just delighted to be working with him on this.

I also thank the Senator from Massachusetts for his courtesy in allowing us to interrupt the education bill for this purpose.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be an original cosponsor of this legislation.

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

Mrs. CLINTON. Mr. President, I rise today in support of the bipartisan End of Racial Profiling Act of 2001. I believe it is a thoughtful and balanced effort, designed to bring people together, not to divide. I also want to express my sincere gratitude to my esteemed colleagues, Senator FEINGOLD and Senator CORZINE, for their leadership and tremendous efforts in crafting this legislation that affects so many communities throughout this country.

I also want to acknowledge the efforts of Representative CONYERS, the Ranking Member of the House Judiciary Committee, and a leader on this issue. Representative CONYERS has worked to obtain the support of both Democrats and Republicans alike, including Republican Representatives ASA HUTCHINSON, CHRIS SHAYS, TIM JOHNSON, CONSTANCE MORELLA, and JIM GREENWOOD. I thank them for attending the bipartisan press conference this morning and showing their support for this legislation. I hope we will be able to build upon this strong bipartisan support in the Senate.

I am also pleased that we were joined by Chief Bruce Chamberlin, an esteemed and experienced member of the national law enforcement community, who is the Chief of Police of Cheektowaga—in the western part of the great state of New York.

It was important for Chief Chamberlin to be here with us today to express his support for the bill because he recognizes, as we all do, that racial profiling is wrong and that this bill is an important step in bringing this practice to an end.

Racial profiling is unjust. It relegates honest, law-abiding citizens to second-class status when they suffer the embarrassment, the humiliation, the indignity, of being stopped or searched, and in some cases even physically harmed simply because of their race, ethnicity or national origin.

Racial profiling is not an effective law enforcement tool. The experts at John Jay College of Criminal Justice and elsewhere will tell you that the evidence is unquestionably clear, for example, that the vast majority of Blacks and Hispanics who are stopped or searched have committed no crime.

Indeed, racial profiling has an insidious and devastating effect on entire communities because it increases the level of mistrust between law enforcement and the communities it is charged with the heavy burden to protect. That result serves no one. It fails to serve law enforcement because a critical component of truly effective law enforcement is strong community-police relations, partnerships in which law enforcement and our communities are working together to reduce crime and to make our communities as safe as they can be.

Racial profiling fails to serve prosecutors, because law-abiding people who don't have faith that their law enforcement will protect them properly and treat them with dignity will not have faith in law enforcement when sitting on juries and assessing the credibility of police officers who often play a key role in getting convictions for criminals.

What does this bill do and what doesn't it do?

As you, my colleagues consider this legislation, understand that this bill is not about blaming law enforcement or saying that law enforcement is bad or doesn't do a good job. We know that this is simply not true.

Those who uphold our Nation's laws on the streets where we live are men and women of courage. They go to work each day without the same degree of certainty that most of us have that they will return home safely, because they never know when the next traffic stop, the next domestic dispute, the next arrest will explode in their face. There is a memorial here in Washington with the names of more than 14,000 American heroes who gave their lives to make ours a safer country.

What this bill does do is make very clear that racial profiling is wrong and that law enforcement agencies that haven't done so already should adopt policies and procedures to eliminate and prevent racial profiling.

Some might ask, how can adopting policies and procedures help stop racial profiling? Well, the experts at John Jay College will tell you that in the 1960s and early 1970s, most police departments in this country left it up to the individual officer to decide when to shoot to kill. During that time, the racial disparity among persons shot and killed by police was as high as eight African-Americans for every white person, and very much higher among victims who were neither armed nor in the process of assaulting a police officer.

During the 1970s and early 1980s, police departments promulgated and enforced strict standards, basically decreeing that deadly force could be exercised only in defense of the life of the officer or another person. In the large police departments in this country, these changes were accompanied by reductions of as much as 51 percent in the number of civilians killed by police. It also resulted in the significant reduction in the number of officers killed in the line of duty. This is just one example of how good policies and procedures can actually save lives without reducing the effectiveness of law enforcement.

Recognizing the importance of policies and procedures to eliminate and prevent racial profiling, this bill provides incentives for law enforcement to promote such policies by providing grants to state and local law enforcement agencies to use in ways they believe will be most effective for their communities—whether to purchase equipment and other resources to assist in data collection or to provide training to officers to improve community relations and build trust.

Chief Chamberlin spoke eloquently this morning about the importance of training and building relationships between law enforcement and communities. His actions, however, have spoken even louder than his words. He has taken the lead in Western New York in forming the Law Enforcement and Diversity Team or ''LEAD'' program, which exists to enhance communication and understanding between suburban law enforcement agencies and the diverse citizenry of Western New York. The LEAD team, sponsored by the National Conference for Community and Justice and the Erie County Chiefs of Police, developed one of the Nation's leading programs—''Building Bridges'' to start a dialogue between police officers and people of diverse cultural and racial backgrounds.

The U.S. Department of Transportation has utilized excerpts from the LEAD Team's ''What to do When Stopped by Police'' brochure for the department's national publication. The program has been adopted by the Buffalo and Cheektowaga school systems in the curriculum for high schools students. It provides an important educational opportunity for the entire community and assists in the development of positive relationships between police and community by eliminating some level of fear, distrust, and skepticism.

Other New Yorkers have also worked to improve the relationship between communities and law enforcement. New York's Attorney General, Elliot Spitzer, has instituted training programs in an effort to try and prevent racial profiling. In fact, just this past February through April, the Attorney General's office conducted in-service training of all members of the New Rochelle, New York Police Department at the request of that department. The training took place on Thursday mornings and focused, among other things, on what is meant by ''racial profiling'' and the perceptions of community members of police encounters in order to raise awareness. The training also reported on data collection efforts taking place across the country and the results of those efforts.

Academia can also play a role in promoting trust between law enforcement and the community. For example, the John Jay College of Criminal Justice—whose Master of Public Administration Program was ranked first in the nation among graduate schools with specializations in Criminal Justice Policy and Management by U.S. News and World Report for the second year in a row—has begun to conduct a six-week free course for members of the New York City Police Department on the racial and cultural diversity of New York City. More than 600 police officers from across New York City have enrolled in a course entitled: ''Police Supervision in a Multiracial and Multicultural City.''

With this bill, efforts like those currently led by Chief Chamberlain, Attorney General Spitzer, and John Jay College will be expanded throughout the country.

More than a year ago when I spoke about this issue at the Riverside Church in New York City, I said, ''we must all be on the same side.'' I am so proud that today—we are all here together—on the same side, citizens, officers of the law, Republicans and Democrats—to say that racial profiling is wrong and must end.

We are here to say that in fighting racial profiling, we can at the same time forge even better relations between police and the neighborhoods they patrol, as we wage a common effort to reduce crime and make our communities safe.

In closing, I hope that as we move forward with the consideration of this legislation, it will engender a positive and thoughtful dialogue between and among members of Congress, the President, law enforcement, and the civil rights community. And that by eliminating the practice of racial profiling, we can begin to restore the bonds of trust between communities and the law enforcement officers that serve them.

By Mr. SMITH of New Hampshire:

S. 990. A bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce a comprehensive wildlife conservation measure, the American Wildlife Enhancement Act of 2001. This bill will help to increase conservation efforts by promoting local control and State partnerships through flexible, incentive driven conservation programs and increased partnerships with local land owners. The true conservationists are those who live on and work the land, and it is my intention to provide the incentives to help them continue those efforts. People don't come to New Hampshire for the malls. They come to kayak, bike, fish, swim, hunt, hike trails, ski, and more. That's our industry. We cannot, and should not, turn away from that. I believe that when we conserve our wildlife and wildlife areas, we affirm our long-standing tradition of honoring our natural American heritage. This bill is about achieving that goal in a cooperative, partnership approach, something that unfortunately, the Federal Government has too long neglected.

This bill will accomplish these goals by infusing additional funds into the popular Pittman-Robertson program; establishing a new competitive matching grant fund that would allow private landowners to apply for assistance to protect endangered and threatened species on their land; and establishing a new competitive grant fund that would allow one or several States to apply for a grant to protect an area of regional or national significance through the purchase of an easement or acquisition. This measure represents our best, and most effective, chances of addressing the growing needs for wildlife conservation in our Nation.

Title I of this bill authorizes $350 million a year to enhance the Pittman-Robertson Wildlife Restoration program. Unlike the existing Pittman-Robertson program, which is funded through a tax on hunting equipment, the enhanced program would be authorized for a specific time period, would have to compete for funds through the appropriations process and would be held in an account that is separate from the already established Wildlife Restoration Fund.

Funds for this enhanced program would be distributed to the States through a formula based on land area and population, with no State receiving less than one percent of the available funding. Projects eligible for funding through the new program would include: acquisition and improvement of wildlife habitat; hunter education; wildlife population surveys; construction of facilities to improve public access; management of wildlife areas; recreation; conservation education; and facility development and maintenance. States would pay for a project up front and would be reimbursed up to 75 percent of the total cost of the project. Similar language was included in last year's Commerce-State-Justice appropriations measure, but was authorized for one year, at a level of $50 million. The program has been successful since its inception, and should continue past this fiscal year. My bill would authorize this program for five years at a level of $350 million each year.

The State of New Hampshire ranks 44th out of 50 States in land area and

41st in population. Still, the State received $487,000 out of the money appropriated in last year's Commerce-State-Justice appropriations bill. If my bill were enacted and fully appropriated, even a small State like New Hampshire would be eligible to receive $3.5 million. Believe me, $3.5 million would make an incredible difference not only for New Hampshire, but nationwide. There is not only a demonstrated need for these additional funds, but a keen interest in seeing this infusion of appropriations within a time-tested program, the Pittman-Robertson Wildlife Restoration Program, popular with sportsmen and women and conservationists alike.

The second title of my bill establishes a new competitive matching grant fund that would allow private landowners to apply for assistance to protect endangered and threatened species on their land through the development and implementation of recovery agreements. A recovery agreement would provide an economic incentive to protect habitat for threatened and endangered species, list specific recovery goals, schedule an implementation plan, and monitor the results. In return for agreeing to carry out these activities, the landowner would receive financial compensation. Currently any effort that a private landowner undertakes to conserve an endangered species is paid for out-of-pocket. Under this bill though, for the first time, private landowners will be able to apply for a grant to assist in the recovery of endangered or threatened species on their property. In other words, they would be eligible to get compensation for some of the conservation measures that they now have to pay for themselves.

That is a big step forward. Since approximately 90-percent of the listed endangered and threatened species inhabit non-federal lands, one of the keys to the successful recovery of our endangered and threatened species is the increased participation of private landowners. This is best achieved through a collaborative, not combative, process that provides landowners with an incentive to participate.

This title is an amendment to the Endangered Species Act. This title should not be interpreted as a vehicle for comprehensive reform, but as a great opportunity to get dollars to those land owners who want to protect species today. I welcome the opportunity to work with all of my colleagues on comprehensive reform to the Endangered Species Act through hearings, debate and bipartisan legislation. However, in the meantime we need to provide private land owners the opportunity to protect the habitat of endangered species.

The final title of my bill would establish a new competitive grant fund that would allow one or more States to apply for a grant to protect an area of regional or national significance through the purchase of an easement or acquisition. Without a source of flexible Federal funds such as this, States and local communities alone will be unable to protect some of the Nation's most important natural areas. I highlight the Northern Forest that spans the states of New Hampshire, Maine, Vermont, and New York; the Central Appalachian Highlands; the Mississippi Delta, just to name a few. This flexible funding will allow States and communities to protect vital natural, cultural and recreational areas without creating or expanding Federal units. Such a funding program promotes local control and multi-state partnerships, and is also cost-effective.

I am a firm believer in preserving our national treasures for future generations to enjoy. I also believe that the States, local communities and individual property owners are in the best position to identify and protect the species and areas that are in the greatest need of conservation. But they also need financial assistance from the Federal Government to effectively conserve and manage the natural resources that need either protection or restoration. This belief is strongly reflected in my bill.

I have received a very positive response for this bill from the interested constituencies, both in New Hampshire and nationwide. In general, there is a growing consensus that we must act now or we will lose many of our special places, and if we wait, what is destroyed or lost will be gone forever. It is our responsibility to act as stewards of the environment. I have said it before and I will say it again: it is not anti-conservative to be pro-environment.

This bill is one that should attract the interest of both sides of the aisle. On that note, I would like to thank Senator REID, my counterpart on the Environment and Public Works Committee, for his leadership on the issue of wildlife conservation. In April, he chaired a field hearing in Reno, NV, on State wildlife and conservation issues. I know he is engaged in this matter, and I look forward to working with him to advance the goals of the American Wildlife Enhancement Act.

I encourage my colleagues to support the American Wildlife Enhancement Act of 2001 and ask 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. 990

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Wildlife Enhancement Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT
Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Wildlife Conservation and Restoration Account.
Sec. 104. Apportionment of amounts in the Account.
Sec. 105. Wildlife conservation and restoration programs.
Sec. 106. Nonapplicability of Federal Advisory Committee Act.
Sec. 107. Technical amendments.
Sec. 108. Effective date.
TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY
Sec. 201. Purpose.
Sec. 202. Endangered and threatened species recovery assistance.
TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM
Sec. 301. Non-Federal land conservation grant program.

TITLE I—PITTMAN-ROBERTSON WILDLIFE CONSERVATION AND RESTORATION PROGRAMS IMPROVEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Pittman-Robertson Wildlife Conservation and Restoration Programs Improvement Act''.

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) ACCOUNT.—The term 'Account' means the Wildlife Conservation and Restoration Account established by section 3(a)(2).

''(2) CONSERVATION.—

''(A) IN GENERAL.—The term 'conservation' means the use of a method or procedure necessary or desirable to sustain healthy populations of wildlife.

''(B) INCLUSIONS.—The term 'conservation' includes any activity associated with scientific resources management, such as—

''(i) research;

''(ii) census;

''(iii) monitoring of populations;

''(iv) acquisition, improvement, and management of habitat;

''(v) live trapping and transplantation;

''(vi) wildlife damage management;

''(vii) periodic or total protection of a species or population; and

''(viii) the taking of individuals within a wildlife stock or population if permitted by applicable Federal law, State law, or law of the District of Columbia or a territory.

''(3) FUND.—The term 'fund' means the Federal aid to wildlife restoration fund established by section 3(a)(1).

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(5) STATE FISH AND GAME DEPARTMENT.—The term 'State fish and game department' means any department or division of a department of another name, or commission, or 1 or more officials, of a State, the District of Columbia, or a territory empowered under the laws of the State, the District of Columbia, or the territory, respectively, to exercise the functions ordinarily exercised by a State fish and game department or a State fish and wildlife department.

''(6) TERRITORY.—The term 'territory' means Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

''(7) WILDLIFE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'wildlife' means—

''(i) any species of wild, free-ranging fauna (excluding fish); and

''(ii) any species of fauna (excluding fish) in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into the previously occupied range of the species.

''(B) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—For the purposes of each wildlife conservation and restoration program, the term 'wildlife' includes fish.

''(8) WILDLIFE-ASSOCIATED RECREATION PROJECT.—The term 'wildlife-associated recreation project' means—

''(A) a project intended to meet the demand for an outdoor activity associated with wildlife, such as hunting, fishing, and wildlife observation and photography;

''(B) a project such as construction or restoration of a wildlife viewing area, observation tower, blind, platform, land or water trail, water access route, area for field trialing, or trail head; and

''(C) a project to provide access for a project described in subparagraph (A) or (B).

''(9) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—The term 'wildlife conservation and restoration program' means a program developed by a State fish and game department and approved by the Secretary under section 12.

''(10) WILDLIFE CONSERVATION EDUCATION PROJECT.—The term 'wildlife conservation education project' means a project, including public outreach, that is intended to foster responsible natural resource stewardship.

''(11) WILDLIFE-RESTORATION PROJECT.—

''(A) IN GENERAL.—The term 'wildlife-restoration project' means a project consisting of the selection, restoration, rehabilitation, or improvement of an area of land or water (including a property interest in land or water) that is adaptable as a feeding, resting, or breeding place for wildlife.

''(B) INCLUSIONS.—The term 'wildlife-restoration project' includes—

''(i) acquisition of an area described in subparagraph (A) that is suitable or capable of being made suitable for feeding, resting, or breeding by wildlife;

''(ii) construction in an area described in subparagraph (A) of such works as are necessary to make the area available for feeding, resting, or breeding by wildlife;

''(iii) such research into any problem of wildlife management as is necessary for efficient administration of wildlife resources; and

''(iv) such preliminary or incidental expenses as are incurred with respect to activities described in this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) The first section, section 3(a)(1), and section 12 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669, 669b(a)(1), 669i) are amended by striking ''Secretary of Agriculture'' each place it appears and inserting ''Secretary''.

(2) The Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) is amended by striking ''Secretary of the Interior'' each place it appears and inserting ''Secretary''.

(3) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended by striking ''(hereinafter referred to as the 'fund')''.

(4) Section 6(c) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e(c)) is amended by striking ''established by section 3 of this Act''.

(5) Section 11(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(b)) is amended by striking ''wildlife restoration projects'' each place it appears and inserting ''wildlife-restoration projects''.

SEC. 103. WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.

(a) IN GENERAL.—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) by striking ''SEC. 3. (a)(1) An'' and inserting the following:

''SEC. 3. FEDERAL AID TO WILDLIFE RESTORATION FUND.

''(a) IN GENERAL.—

''(1) FEDERAL AID TO WILDLIFE RESTORATION FUND.—An'';

(2) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

''(A) ESTABLISHMENT.—There is established in the fund an account to be known as the 'Wildlife Conservation and Restoration Account'.

''(B) FUNDING.—There are authorized to be appropriated to the Account for apportionment to States, the District of Columbia, and territories in accordance with section 4(d)—

''(i) $50,000,000 for fiscal year 2001; and

''(ii) $350,000,000 for each of fiscal years 2002 through 2006.''; and

(3) by striking subsections (c) and (d).

(b) CONFORMING AMENDMENTS.—

(1) Section 3(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(1)) is amended in the first sentence—

(A) by inserting ''(other than the Account)'' after ''wildlife restoration fund''; and

(B) by inserting before the period at the end the following: ''(other than sections 4(d) and 12)''.

(2) Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A)—

(I) by inserting ''(other than the Account)'' after ''the fund''; and

(II) by inserting ''(other than subsection (d) and sections 3(a)(2) and 12)'' after ''this Act''; and

(ii) in paragraph (2)(B), by inserting ''from the fund (other than the Account)'' before ''under this Act''; and

(B) in the first sentence of subsection (b), by striking ''said fund'' and inserting ''the fund (other than the Account)''.

(3) Section 6 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''(other than sections 4(d) and 12)'' after ''this Act'';

(ii) in the last sentence of paragraph (1), by striking ''this Act from funds apportioned under this Act'' and inserting ''this Act (other than sections 4(d) and 12) from funds apportioned from the fund (other than the Account) under this Act'';

(iii) in paragraph (2)—

(I) in the first sentence, by inserting ''(other than sections 4(d) and 12)'' after ''this Act''; and

(II) in the last sentence, by striking ''said fund as represents the share of the United States payable under this Act'' and inserting ''the fund (other than the Account) as represents the share of the United States payable from the fund (other than the Account) under this Act''; and

(iv) in the last paragraph, by inserting ''from the fund (other than the Account)'' before ''under this Act'' each place it appears; and

(B) in subsection (b), by inserting ''(other than sections 4(d) and 12)'' after ''this Act'' each place it appears.

(4) Section 8A of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g–1) is amended in the first sentence by inserting ''from the fund (other than the Account)'' before ''under this Act''.

(5) Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended in subsections (a) and (b)(1) by striking ''section 4(a)(1)'' each place it appears and inserting ''subsections (a)(1) and (d)(1) of section 4''.

(6) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(A) in subsection (a)(1)—

(i) by inserting ''(other than the Account)'' after ''the fund''; and

(ii) in subparagraph (B), by inserting ''but excluding any use authorized solely by section 12'' after ''target ranges''; and

(B) in subsection (c)(2), by inserting before the period at the end the following: ''(other than sections 4(d) and 12)''.

(7) Section 11(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–2(a)(1)) is amended by inserting ''(other than the Account)'' after ''the fund''.

SEC. 104. APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.

Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended by striking the second subsection (c) and subsection (d) and inserting the following:

''(d) APPORTIONMENT OF AMOUNTS IN THE ACCOUNT.—

''(1) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out activities funded from the Account, not more than 3 percent of the total amount of the Account available for apportionment for the fiscal year.

''(2) APPORTIONMENT TO DISTRICT OF COLUMBIA AND TERRITORIES.—For each fiscal year, after making the deduction under paragraph (1), the Secretary shall apportion from the amount in the Account remaining available for apportionment—

''(A) to each of the District of Columbia and the Commonwealth of Puerto Rico, a sum equal to not more than ½ of 1 percent of that remaining amount; and

''(B) to each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, a sum equal to not more than ¼ of 1 percent of that remaining amount.

''(3) APPORTIONMENT TO STATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year, after making the deduction under paragraph (1) and the apportionment under paragraph (2), the Secretary shall apportion the amount in the Account remaining available for apportionment among States in the following manner:

''(i) ⅓ based on the ratio that the area of each State bears to the total area of all States.

''(ii) ⅔ based on the ratio that the population of each State bears to the total population of all States.

''(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—For each fiscal year, the amounts apportioned under this paragraph shall be adjusted proportionately so that no State is apportioned a sum that is—

''(i) less than 1 percent of the amount available for apportionment under this paragraph for the fiscal year; or

''(ii) more than 5 percent of that amount.

''(4) USE.—

''(A) IN GENERAL.—Apportionments under paragraphs (2) and (3)—

''(i) shall supplement, but not supplant, funds available to States, the District of Columbia, and territories—

''(I) from the fund; or

''(II) from the Sport Fish Restoration Account established by section 9504(a) of the Internal Revenue Code of 1986; and

''(ii) shall be used to address the unmet needs for a wide variety of wildlife and associated habitats, including species that are not hunted or fished, for projects authorized

to be carried out as part of wildlife conservation and restoration programs in accordance with section 12.

''(B) PROHIBITION ON DIVERSION.—A State, the District of Columbia, or a territory shall not be eligible to receive an apportionment under paragraph (2) or (3) if the Secretary determines that the State, the District of Columbia, or the territory, respectively, diverts funds from any source of revenue (including interest, dividends, and other income earned on the revenue) available to the State, the District of Columbia, or the territory after January 1, 2000, for conservation of wildlife for any purpose other than the administration of the State fish and game department in carrying out wildlife conservation activities.

''(5) PERIOD OF AVAILABILITY OF APPORTIONMENTS.—Notwithstanding section 3(a)(1), for each fiscal year, the apportionment to a State, the District of Columbia, or a territory from the Account under this subsection shall remain available for obligation until the end of the second following fiscal year.''.

SEC. 105. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

(a) IN GENERAL.—The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating sections 12 and 13 (16 U.S.C. 669i, 669 note) as sections 13 and 15, respectively; and

(2) by inserting after section 11 (16 U.S.C. 669h–2) the following:

''SEC. 12. WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.

''(a) DEFINITION OF STATE.—In this section, the term 'State' means a State, the District of Columbia, and a territory.

''(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

''(1) IN GENERAL.—A State, acting through the State fish and game department, may apply to the Secretary—

''(A) for approval of a wildlife conservation and restoration program; and

''(B) to receive funds from the apportionment to the State under section 4(d) to develop and implement the wildlife conservation and restoration program.

''(2) APPLICATION CONTENTS.—As part of an application under paragraph (1), a State shall provide documentation demonstrating that the wildlife conservation and restoration program of the State includes—

''(A) provisions vesting in the State fish and game department overall responsibility and accountability for the wildlife conservation and restoration program of the State;

''(B) provisions to identify which species in the State are in greatest need of conservation; and

''(C) provisions for the development, implementation, and maintenance, under the wildlife conservation and restoration program, of—

''(i) wildlife conservation projects—

''(I) that expand and support other wildlife programs; and

''(II) that are selected giving appropriate consideration to all species of wildlife in accordance with subsection (c);

''(ii) wildlife-associated recreation projects; and

''(iii) wildlife conservation education projects.

''(3) PUBLIC PARTICIPATION.—A State shall provide an opportunity for public participation in the development, implementation, and revision of the wildlife conservation and restoration program of the State and projects carried out under the wildlife conservation and restoration program.

''(4) APPROVAL FOR FUNDING.—If the Secretary finds that the application submitted by a State meets the requirements of paragraph (2), the Secretary shall approve the wildlife conservation and restoration program of the State.

''(5) PAYMENT OF FEDERAL SHARE.—

''(A) IN GENERAL.—Subject to subparagraph (D), after the Secretary approves a wildlife conservation and restoration program of a State, the Secretary may use the apportionment to the State under section 4(d) to pay the Federal share of—

''(i) the cost of implementation of the wildlife conservation and restoration program; and

''(ii) the cost of development, implementation, and maintenance of each project that is part of the wildlife conservation and restoration program.

''(B) FEDERAL SHARE.—The Federal share shall not exceed 75 percent.

''(C) TIMING OF PAYMENTS.—Under such regulations as the Secretary may promulgate, the Secretary—

''(i) shall make payments to a State under subparagraph (A) during the course of a project; and

''(ii) may advance funds to pay the Federal share of the costs described in subparagraph (A).

''(D) MAXIMUM AMOUNT FOR LAW ENFORCEMENT ACTIVITIES.—Notwithstanding section 8(a), for each fiscal year, not more than 10 percent of the apportionment to a State under section 4(d) for the wildlife conservation and restoration program of the State may be used for law enforcement activities.

''(6) METHOD OF IMPLEMENTATION OF PROJECTS.—A State may implement a project that is part of the wildlife conservation and restoration program of the State through—

''(A) a grant made by the State to, or a contract entered into by the State with—

''(i) any Federal, State, or local agency (including an agency that gathers, evaluates, and disseminates information on wildlife and wildlife habitats);

''(ii) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(iii) a wildlife conservation organization; or

''(iv) an outdoor recreation or conservation education entity; and

''(B) any other method determined appropriate by the State.

''(c) WILDLIFE CONSERVATION STRATEGY.—

''(1) IN GENERAL.—Not later than 5 years after the date of the initial apportionment to a State under section 4(d), to be eligible to continue to receive funds from the apportionment to the State under section 4(d), the State shall, as part of the wildlife conservation and restoration program of the State, develop and begin implementation of a wildlife conservation strategy that is based on the best available and appropriate scientific information.

''(2) REQUIRED ELEMENTS.—A wildlife conservation strategy shall—

''(A) use such information on the distribution and abundance of species of wildlife as is indicative of the diversity and health of the wildlife of the State, including such information on species with low populations and declining numbers of individuals as the State fish and game department determines to be appropriate;

''(B) identify the extent and condition of wildlife habitats and community types essential to conservation of the species of wildlife of the State identified using information described in subparagraph (A);

''(C)(i) identify the problems that may adversely affect—

''(I) the species identified using information described in subparagraph (A); and

''(II) the habitats of the species identified under subparagraph (B); and

''(ii) provide for high priority research and surveys to identify factors that may assist in the restoration and more effective conservation of—

''(I) the species identified using information described in subparagraph (A); and

''(II) the habitats of the species identified under subparagraph (B);

''(D)(i) describe which actions should be taken to conserve—

''(I) the species identified using information described in subparagraph (A); and

''(II) the habitats of the species identified under subparagraph (B); and

''(ii) establish priorities for implementing those actions; and

''(E) provide for—

''(i) periodic monitoring of—

''(I) the species identified using information described in subparagraph (A);

''(II) the habitats of the species identified under subparagraph (B); and

''(III) the effectiveness of the conservation actions described under subparagraph (D); and

''(ii) adaptation of conservation actions as appropriate to respond to new information or changing conditions.

''(3) PUBLIC PARTICIPATION IN DEVELOPMENT OF STRATEGY.—A State shall provide an opportunity for public participation in the development and implementation of the wildlife conservation strategy of the State.

''(4) REVIEW AND REVISION.—Not less often than once every 10 years, a State shall review the wildlife conservation strategy of the State and make any appropriate revisions.

''(5) COORDINATION.—During the development, implementation, review, and revision of the wildlife conservation strategy of the State, a State shall provide for coordination, to the maximum extent practicable, between—

''(A) the State fish and game department; and

''(B) Federal, State, and local agencies and Indian tribes that—

''(i) manage significant areas of land or water within the State; or

''(ii) administer programs that significantly affect the conservation of

''(I) the species identified using information described in paragraph (2)(A); or

''(II) the habitats of the species identified under paragraph (2)(B).

''(d) USE OF FUNDS FOR NEW AND EXISTING PROGRAMS AND PROJECTS.—Funds made available from the Account to carry out activities under this section may be used—

''(1) to carry out new programs and projects; and

''(2) to enhance existing programs and projects.

''(e) PRIORITY FOR FUNDING.—In using funds made available from the Account to carry out activities under this section, a State shall give priority to species that are in greatest need of conservation, as identified by the State.

''(f) LIMITATION ON USE OF FUNDS FOR WILDLIFE CONSERVATION EDUCATION PROJECTS.—Funds made available from the Account to carry out wildlife conservation education projects shall not be used to fund, in whole or in part, any activity that promotes or encourages opposition to the regulated hunting or trapping of wildlife.''.

(b) CONFORMING AMENDMENT.—Section 8(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended by striking the last sentence.

SEC. 106. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Pittman-Robertson Wildlife Restoration Act (as amended by section 105(a)(1)) is amended by inserting after section 13 the following:

"SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

"Coordination with State fish and game department personnel or with personnel of any other agency of a State, the District of Columbia, or a territory under this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by redesignating section 15 (16 U.S.C. 777 note) as section 16; and

(2) by inserting after section 14 (16 U.S.C. 777m) the following:

"SEC. 15. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

"Coordination with State fish and game department personnel or with personnel of any other State agency under this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 107. TECHNICAL AMENDMENTS.

(a) The first section of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669) is amended by striking "That the" and inserting the following:

"SECTION 1. COOPERATION OF SECRETARY OF THE INTERIOR WITH STATES.

"The".

(b) Section 5 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669d) is amended by striking "SEC. 5." and inserting the following:

"SEC. 5. CERTIFICATION OF AMOUNTS DEDUCTED OR APPORTIONED.".

(c) Section 6 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669e) is amended by striking "SEC. 6." and inserting the following:

"SEC. 6. SUBMISSION AND APPROVAL OF PLANS AND PROJECTS.".

(d) Section 7 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669f) is amended by striking "SEC. 7." and inserting the following:

"SEC. 7. PAYMENT OF FUNDS TO STATES.".

(e) Section 8 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g) is amended by striking "SEC. 8." and inserting the following:

"SEC. 8. MAINTENANCE OF PROJECTS; FUNDING OF HUNTER SAFETY PROGRAMS AND PUBLIC TARGET RANGES.".

(f) Section 8A of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g–1) is amended by striking "SEC. 8A." and inserting the following:

"SEC. 8A. APPORTIONMENTS TO TERRITORIES.".

(g) Section 12 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669i) is amended by striking "SEC. 12." and inserting the following:

"SEC. 12. RULES AND REGULATIONS.".

SEC. 108. EFFECTIVE DATE.

This title takes effect on October 1, 2001.

TITLE II—ENDANGERED AND THREATENED SPECIES RECOVERY

SEC. 201. PURPOSE.

The purpose of this title is to promote involvement by non-Federal entities in the recovery of the endangered species and threatened species of the United States and the habitats on which the species depend.

SEC. 202. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) IN GENERAL.—Section 13 of the Endangered Species Act of 1973 (87 Stat. 902) is amended to read as follows:

"SEC. 13. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) SMALL LANDOWNER.—The term 'small landowner' means an individual who owns not more than 150 acres of land.

"(2) SPECIES RECOVERY AGREEMENT.—The term 'species recovery agreement' means an endangered and threatened species recovery agreement entered into under subsection (c).

"(b) ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.—

"(1) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to any person for development and implementation of an endangered and threatened species recovery agreement entered into by the Secretary and the person under subsection (c).

"(2) PRIORITY.—In providing financial assistance under this subsection, the Secretary shall give priority to the development and implementation of species recovery agreements that—

"(A) implement actions identified under recovery plans approved by the Secretary under section 4(f);

"(B) have the greatest potential for contributing to the recovery of an endangered species or threatened species; and

"(C) are proposed by small landowners.

"(3) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary shall not provide financial assistance under this subsection for any activity that is required—

"(A) by a permit issued under section 10(a)(1)(B);

"(B) by an incidental taking statement provided under section 7(b)(4); or

"(C) under another provision of this Act or any other Federal law.

"(4) PAYMENTS UNDER OTHER PROGRAMS.—

"(A) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this subsection shall be in addition to, and shall not affect, the total amount of payments that the person is eligible to receive under—

"(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

"(ii) the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.);

"(iii) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.); or

"(iv) the Wildlife Habitat Incentive Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

"(B) LIMITATION.—A person shall not receive financial assistance under a species recovery agreement for any activity for which the person receives a payment under a program referred to in subparagraph (A) unless the species recovery agreement imposes on the person a financial or management obligation in addition to the obligations of the person under that program.

"(c) ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.—

"(1) IN GENERAL.—In accordance with this subsection, the Secretary may enter into endangered and threatened species recovery agreements.

"(2) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement with a person provisions that—

"(A) require the person—

"(i) to carry out on real property owned or leased by the person activities not required by other law that contribute to the recovery of an endangered species or threatened species; or

"(ii) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered species or threatened species;

"(B) describe the real property referred to in clauses (i) and (ii) of subparagraph (A);

"(C) specify species recovery goals for the species recovery agreement, and activities for attaining the goals;

"(D)(i) require the person to make reasonable efforts to make measurable progress each year in achieving the species recovery goals; and

"(ii) specify a schedule for implementation of the species recovery agreement;

"(E) specify actions to be taken by the Secretary or the person to monitor the effectiveness of the species recovery agreement in attaining the species recovery goals;

"(F) require the person to notify the Secretary if any right or obligation of the person under the species recovery agreement is assigned to any other person;

"(G) require the person to notify the Secretary if any term of the species recovery agreement is breached;

"(H) specify the date on which the species recovery agreement takes effect and the period of time during which the species recovery agreement shall remain in effect;

"(I) provide that the species recovery agreement shall not be in effect on or after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the species recovery agreement; and

"(J) schedule the disbursement of financial assistance provided under subsection (b) for implementation of the species recovery agreement, on an annual or other basis during the period in which the species recovery agreement is in effect, based on the schedule for implementation required under subparagraph (D)(ii).

"(3) REVIEW AND APPROVAL OF PROPOSED SPECIES RECOVERY AGREEMENTS.—On submission by any person of a proposed species recovery agreement under this subsection, the Secretary shall—

"(A) review the proposed species recovery agreement and determine whether the species recovery agreement—

"(i) complies with this subsection; and

"(ii) will contribute to the recovery of each endangered species or threatened species that is the subject of the proposed species recovery agreement;

"(B) propose to the person any additional provisions that are necessary for the species recovery agreement to comply with this subsection; and

"(C) if the Secretary determines that the species recovery agreement complies with this subsection, enter into the species recovery agreement with the person.

"(4) MONITORING OF IMPLEMENTATION OF SPECIES RECOVERY AGREEMENTS.—The Secretary shall—

"(A) periodically monitor the implementation of each species recovery agreement; and

"(B) based on the information obtained from the monitoring, annually or otherwise disburse financial assistance under this section to implement the species recovery agreement as the Secretary determines to be appropriate under the species recovery agreement.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out this section for a fiscal year, not more than 3 percent may be used to pay administrative expenses incurred in carrying out this section.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended by adding at the end the following:

"(d) ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.—There is authorized to be appropriated to carry out section 13 $75,000,000 for each of fiscal years 2002 through 2006.".

(c) CONFORMING AMENDMENT.—The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by striking the item relating to section 13 and inserting the following:

''Sec. 13. Endangered and threatened species recovery assistance.''.

TITLE III—NON-FEDERAL LAND CONSERVATION GRANT PROGRAM

SEC. 301. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

(a) IN GENERAL.—The Partnerships for Wildlife Act (16 U.S.C. 3741 et seq.) is amended by adding at the end the following:

''SEC. 7106. NON-FEDERAL LAND CONSERVATION GRANT PROGRAM.

''(a) ESTABLISHMENT.—In consultation with appropriate State, regional, and other units of government, the Secretary shall establish a competitive grant program, to be known as the 'Non-Federal Land Conservation Grant Program' (referred to in this section as the 'program'), to make grants to States or groups of States to pay the Federal share determined under subsection (c)(4) of the costs of conservation of non-Federal land or water of regional or national significance.

''(b) RANKING CRITERIA.—In selecting among applications for grants for projects under the program, the Secretary shall—

''(1) rank projects according the extent to which a proposed project will protect watersheds and important scenic, cultural, recreational, fish, wildlife, and other ecological resources; and

''(2) subject to paragraph (1), give preference to proposed projects—

''(A) that seek to protect ecosystems;

''(B) that are developed in collaboration with other States;

''(C) with respect to which there has been public participation in the development of the project proposal;

''(D) that are supported by communities and individuals that are located in the immediate vicinity of the proposed project or that would be directly affected by the proposed project; or

''(E) that the State considers to be a State priority.

''(c) GRANTS TO STATES.—

''(1) NOTICE OF DEADLINE FOR APPLICATIONS.—The Secretary shall give reasonable advance notice of each deadline for submission of applications for grants under the program by publication of a notice in the Federal Register.

''(2) SUBMISSION OF APPLICATIONS.—

''(A) IN GENERAL.—A State or group of States may submit to the Secretary an application for a grant under the program.

''(B) REQUIRED CONTENTS OF APPLICATIONS.—Each application shall include—

''(i) a detailed description of each proposed project;

''(ii) a detailed analysis of project costs, including costs associated with—

''(I) planning;

''(II) administration;

''(III) property acquisition; and

''(IV) property management;

''(iii) a statement describing how the project is of regional or national significance; and

''(iv) a plan for stewardship of any land or water, or interest in land or water, to be acquired under the project.

''(3) SELECTION OF GRANT RECIPIENTS.—Not later than 90 days after the date of receipt of an application, the Secretary shall—

''(A) review the application; and

''(B)(i) notify the State or group of States of the decision of the Secretary on the application; and

''(ii) if the application is denied, provide an explanation of the reasons for the denial.

''(4) COST SHARING.—The Federal share of the costs of a project under the program shall be—

''(A) in the case of a project to acquire the fee simple interest in land or water, not more than 50 percent of the costs of the project;

''(B) in the case of a project to acquire less than the fee simple interest in land or water (including acquisition of a conservation easement), not more than 70 percent of the costs of the project; and

''(C) in the case of a project involving 3 or more States, not more than 75 percent of the costs of the project.

''(5) EFFECT OF INSUFFICIENCY OF FUNDS.—If the Secretary determines that there are insufficient funds available to make grants with respect to all applications that meet the requirements of this subsection, the Secretary shall give priority to those projects that best meet the ranking criteria established under subsection (b).

''(d) REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the grants made under this section, including an analysis of how projects were ranked under subsection (b).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2006.''.

(b) CONFORMING AMENDMENT.—Section 7105(g)(2) of the Partnerships for Wildlife Act (16 U.S.C. 3744(g)(2)) is amended by striking ''this chapter'' and inserting ''this section''.

By Ms. LANDRIEU (for herself, Mr. BREAUX, Mr. BINGAMAN, Mr. DURBIN, Mr. FEINGOLD, Mr. HAGEL, Mr. MURKOWSKI, and Mr. SESSIONS):

S. 991. A bill to authorize the president to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I speak today to honor an innovative and patriotic American, a logger-turned-boatbuilder, who single-handedly transformed the concept of amphibious ship design when our nation and her Allies needed it most. Despite some bureaucratic obstacles in America's massive World War II war-machine, Andrew Jackson Higgins skillfully designed and engineered landing craft, eventually winning contracts to build 92 percent of the Navy's war-time fleet of landing craft. Andrew Jackson Higgins' story exemplifies the American Dream, and merits this body's recognition for his ingenuity, assiduous work, and devotion to our country.

In the late 1930's, Higgins was operating a small New Orleans work-boat company, with less than seventy-five employees. He quickly earned a reputation for fast, dependable work by turning out specialized vessels for the oil industry, Coast Guard, Army Corps of Engineers, and U.S. Biological Survey. Despite this reputation, when he presented his plans for swift amphibious landing crafts, he met hard resistance. The U.S. Navy had overestimated French and British abilities to secure France's ports from German encroachment, and overruled decisions to create landing boat crafts. When the U.S. Marine Corps finally identified the need for mass production of amphibious vessels for use in both the Pacific and European theaters, Marine leadership began to lobby the Navy to abandon its internal contracting, and procure ships from Higgins Industries, which boasted high performance quality and unprecedented speed in producing boats. In 1941, the Navy finally asked Higgins to begin designing a landing draft to carry tanks. Instead of a design, Higgins designed, built and delivered a complete working boat. It had only taken 61 hours to design and construct this first Landing Craft, Mechanized (LCM). The Navy was so impressed that they awarded the contract and the Higgins firm grew to seven plants, eventually turning out 700 boats a month, more than all other shipyards in the Nation combined. By war's end, Higgins had produced 20,000 boats, including the 46-foot LCVP, Landing Craft, Vehicle & Personnel, the fast-moving PT boats, the rocket-firing landing craft support boats, the 56-foot tank landing craft, the 170 foot freight supply ships and the 27-foot airborne lifeboats that could be dropped from B-17 bombers.

Able to conceive various ship designs and mass-produce vessels quickly at affordable prices, Higgins not only transformed wartime shipbuilding acquisition, but also sustained the universal faith in American invention and global power projection. Higgins boats landed on the shores of Normandy on June 6, 1944, 57 years ago today, the key enablers in the greatest amphibious assault our world has ever seen. In addition to his contributions to Allied war efforts abroad, Higgins' manufacturing further changed the face of my own city of New Orleans, home to most of the firm's business. I urge my colleagues to support provisions to award Andrew Jackson Higgins the Gold Medal of Honor, in the tradition of our great institution.

In 1964, President Dwight D. Eisenhower was reflecting on the success of the 1944 Normandy invasion to his biographer, Steven Ambrose. He remarked that Andrew Jackson Higgins ''is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.'' Mr. Higgins and his 20,000-member workforce embody American creativity, persistence, and patriotism; they deserve to be recognized for their distinguished place in history.

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. 991

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 ''Andrew Jackson Higgins Gold Medal Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Andrew Jackson Higgins was born on August 28, 1886, in Columbus, Nebraska, moved to New Orleans in 1910, and formed Higgins Industries on September 26, 1930;

(2) Andrew Jackson Higgins designed, engineered, and produced the ''Eureka'', a unique shallow draft boat, the design of which evolved during World War II into 2 basic classes of military craft, high speed PT boats, and types of Higgins landing craft (LCPs, LCPLs, LCVPs, LCMs and LCSs);

(3) Andrew Jackson Higgins designed, engineered, and constructed 4 major assembly line plants in New Orleans for mass production of Higgins landing craft, and other vessels vital to the Allied Forces' conduct of World War II;

(4) Andrew Jackson Higgins bought the entire 1940 Philippine mahogany crop and other material purely at risk without a Government contract, anticipating that America would join World War II and that Higgins Industries would need the wood to build landing craft, and Higgins also bought steel, engines, and other material necessary to construct landing craft;

(5) Andrew Jackson Higgins, through Higgins Industries, employed a fully integrated assembly line work force, black and white, male and female, of up to 30,000 during World War II, with equal pay for equal work;

(6) in 1939, the United States Navy had a total of 18 landing craft in the fleet;

(7) from November 18, 1940, when Higgins Industries was awarded its first contract for Higgins landing craft until the conclusion of the war, the employees of Higgins Industries produced 12,300 Landing Craft Vehicle Personnel (LCVP's) and nearly 8,000 other landing craft of all types;

(8) during World War II, Higgins Industries employees produced 20,094 boats, including landing craft and Patrol Torpedo boats, and trained 30,000 Navy, Marine, and Coast Guard personnel on the safe operation of landing craft at the Higgins' Boat Operators School;

(9) on Thanksgiving Day 1944, General Dwight D. Eisenhower stated in an address to the Nation, ''Let us thank God for Higgins Industries, management, and labor which has given us the landing boats with which to conduct our campaign.'';

(10) Higgins landing craft, constructed of wood and steel, transported fully armed troops, light tanks, field artillery, and other mechanized equipment essential to amphibious operations;

(11) Higgins landing craft made the amphibious assault on D-day and the landings at Leyte, North Africa, Guadalcanal, Sicily, Iwo Jima, Tarawa, Guam, and thousands of less well-known assaults possible;

(12) Captain R.R.M. Emmett, a commander at the North Africa amphibious landing, and later commandant of the Great Lakes Training Station, wrote during the war, ''When the history of this war is finally written by historians, far enough removed from its present turmoil and clamor to be cool and impartial, I predict that they will place Mr. (Andrew Jackson) Higgins very high on the list of those who deserve the commendation and gratitude of all citizens.''; and

(13) in 1964, President Dwight D. Eisenhower told historian Steven Ambrose, ''He (Higgins) is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.''.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized, on behalf of Congress, to award a gold medal of appropriate design to—

(A) the family of Andrew Jackson Higgins, honoring Andrew Jackson Higgins (posthumously) for his contributions to the Nation and world peace; and

(B) the D-day Museum in New Orleans, Louisiana, for public display, honoring Andrew Jackson Higgins (posthumously) and the employees of Higgins Industries for their contributions to the Nation and world peace.

(2) MODALITIES.—The modalities of presentation of the medals under this Act shall be determined by the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike 2 gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $60,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. NICKLES (for himself, Mr. CONRAD, Mr. FRIST, and Mr. TORRICELLI):

S. 992. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Finance.

Mr. NICKLES. Mr. President, today I introduce legislation to simplify the taxation of life insurance companies, along with Senator CONRAD and several of our colleagues.

Our legislation repeals section 809 and section 815 of the Internal Revenue Code. Due to significant changes in the life insurance industry and their taxation over the years, these provisions are no longer relevant and their repeal will simplify the tax code.

Section 809 was enacted in 1984 as part of an overhaul of the taxation of life insurance companies. At the time, mutual life insurance companies were thought to be the dominant segment of the industry, and Congress sought to ensure that stock life insurance companies were not competitively disadvantaged. However, today, mutual life insurance companies comprise only about ten percent of the industry. Section 809 raises little revenue, but is very complex and burdensome. Since the reason for its enactment no longer exists, our bill repeals it.

Section 815 has an even longer history, dating back to 1959. Tax changes in 1959 created an accounting mechanism called a ''policyholders surplus account'' for stock life insurance companies. These companies were allowed to defer tax on one-half of their underwriting income so long as it was not distributed to shareholders. This income was accounted for through the policyholder surplus account. In 1984, Congress eliminated the deferral of income, but they did not address the issue of the policyholder surplus accounts. The amounts in those accounts remain subject to tax if certain triggering events occur. Since no company is willing to ''trigger'' the account, this provision also raises little or no revenue, but it directly inhibits business decisions of these companies. Our bill would also repeal this provision.

Congress has worked hard over the last few years to modernize laws governing the financial services industry to encourage its growth and enhance its competitiveness. Elimination of these old, complicated tax provisions will complement this effort and provide greater certainty to the taxation of these companies.

I encourage my colleagues to join me in this initiative.

By Mrs. CARNAHAN (for herself and Mr. BOND):

S. 993. A bill to extend for 4 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 993

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, Public Law 106–70, and Public Law 107–8, is amended—

(1) by striking ''June 1, 2001'' each place it appears and inserting ''October 1, 2001''; and

(2) in subsection (a)—

(A) by striking ''June 30, 2000'' and inserting ''May 31, 2001''; and

(B) by striking ''July 1, 2000'' and inserting ''June 1, 2001''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on June 1, 2001.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 100—TO ELECT ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES.

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 100

Resolved, That Robert C. Byrd, a Senator from the State of West Virginia, be, and he is hereby, elected President of the Senate pro tempore, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

SENATE RESOLUTION 101—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 101

Resolved, That the House of Representatives be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

SENATE RESOLUTION 102—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 102

Resolved, That the President of the United States be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

SENATE RESOLUTION 103—EXPRESSING THE THANKS OF THE SENATE TO THE HONORABLE STROM THURMOND FOR HIS SERVICE AS PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE AND TO DESIGNATE SENATOR THURMOND AS PRESIDENT PRO TEMPORE EMERITUS OF THE UNITED STATES SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 103

Resolved, That the United states Senate expresses its deepest gratitude to Senator Strom Thurmond for his dedication and commitment during his service to the Senate as the President pro tempore, further as a token of appreciation of the Senate for his long and faithful service Senator Strom Thurmond is hereby designated President pro tempore emeritus of the United States Senate.

SENATE RESOLUTION 104—ELECTING MARTIN P. PAONE OF VIRGINIA AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 104

Resolved, That Martin P. Paone of Virginia, be, and he is hereby, elected Secretary for the Majority of the Senate, effective June 6, 2001.

SENATE RESOLUTION 105—ELECTING ELIZABETH B. LETCHWORTH OF VIRGINIA AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 105

Resolved, That Elizabeth B. Letchworth of Virginia, be, and she is hereby, elected Secretary for the Minority of the Senate, effective June 6, 2001.

SENATE RESOLUTION 106—ENCOURAGING AND PROMOTING GREATER INVOLVEMENT OF FATHERS IN THEIR CHILDREN'S LIVES AND DESIGNATING FATHER'S DAY 2001, AS ''NATIONAL RESPONSIBLE FATHER'S DAY''

Mr. BAYH (for himself and Mr. DOMENICI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 106

Whereas 40 percent of children who live in fatherless households have not seen their fathers in at least 1 year, and 50 percent of the children have never visited their fathers' homes;

Whereas approximately 50 percent of all children born in the United States spend at least ½ of their childhood in families without father figures;

Whereas nearly 20 percent of children in grades 6 through 12 report that they have not had a meaningful conversation with even 1 parent in more than 1 month;

Whereas 3 out of 4 adolescents report that they do not have adults in their lives that model positive behaviors;

Whereas many of the leading experts on family and child development in the United States agree that it is in the best interest of both children and the United States to encourage more 2-parent, father-involved families;

Whereas it is important to promote responsible fatherhood and encourage loving and healthy relationships between parents and their children in order to increase the chance that children will have 2 caring parents to help them grow up healthy and secure and not to—

(1) denigrate the standing or parenting efforts of single mothers, whose efforts are heroic;

(2) lessen the protection of children from abusive parents;

(3) cause women to remain in or enter into abusive relationships; or

(4) compromise the health or safety of a custodial parent;

Whereas children who are apart from their biological fathers are, in comparison to other children—

(1) 5 times more likely to live in poverty;

(2) more likely to be abused; and

(3) more likely to—

(A) bring weapons and drugs into the classroom;

(B) commit crime;

(C) drop out of school;

(D) commit suicide;

(E) abuse alcohol or drugs; and

(F) become pregnant as teenagers;

Whereas the Federal Government spends billions of dollars to address these social ills and very little to address the causes of such social ills;

Whereas millions of single mothers in the United States are heroically struggling to raise their children in safe, loving environments;

Whereas millions of men do act responsibly and could serve as role models for absent fathers;

Whereas responsible fatherhood should always recognize and promote values of nonviolence;

Whereas child support is an important means by which a parent can take financial responsibility for a child, and emotional support is an important means by which a parent can take social responsibility for a child;

Whereas children learn by example, and community programs that help mold young men into positive role models for their children need to be encouraged; and

Whereas Congress has begun to take notice of this issue with legislation introduced in both the House of Representatives and the Senate to address the epidemic of absent fathers: Now, therefore, be it

Resolved, That the Senate—

(1) designates Father's Day 2001, as ''National Responsible Father's Day'';

(2) recognizes the need to encourage active involvement of fathers in the rearing and development of their children;

(3) recognizes that while there are millions of fathers who serve as a wonderful caring parent for their children, there are children on Father's Day who will have no one to celebrate with;

(4) urges fathers to participate in their children's lives, both financially and emotionally;

(5) encourages fathers to devote time, energy, and resources to their children;

(6) urges fathers to understand the level of responsibility required when fathering a child and to fulfill that responsibility;

(7) is committed to assisting absent fathers to become more responsible and engaged in their children's lives;

(8) calls upon fathers around the country to use the day to reconnect and rededicate themselves to their children's lives, to spend ''National Responsible Father's Day'' with their children, and to express their love and support for their children; and

(9) requests that the President issue a proclamation calling upon the people of the United States to observe ''National Responsible Father's Day'' with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 791. Mr. KENNEDY (for Mr. BINGAMAN (for himself, Mr. HATCH, Mr. KENNEDY, and Mr. DOMENICI)) proposed an amendment to amendment SA 389 submitted by Mr. VOINOVICH and intended to be proposed to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

TEXT OF AMENDMENTS

SA 791. Mr. KENNEDY (for Mr. BINGAMAN (for himself, Mr. HATCH, Mr. KENNEDY, and Mr. DOMENICI)) proposed an amendment to amendment SA 389 submitted by Mr. VOINOVICH and intended to be proposed to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 1 of the amendment, line 1, strike ''and the Governor'' and insert ''after consultation with the Governor''.

On page 1 of the amendment, line 3, strike ''and the Governor'' and insert ''after consultation with the Governor''.

On page 2 of the amendment, lines 3 and 4, strike ''Governor and State educational agency shall jointly'' and insert ''State educational agency, in consultation with the Governor, shall''.

On page 2 of the amendment, line 14, strike ''jointly'' and all that follows through ''official'' on lines 15 and 16, and insert the following: ''prepared by the chief State school official, in consultation with the Governor,''.

On page 2 of the amendment, line 17, strike ''Governor and the'' and insert '', after consultation with the Governor,''.

On page 2 of the amendment, line 18, strike ''which a'' and insert ''which''.

On page 2 of the amendment, line 19, strike ''Governor and the'' and insert ''fter consultation with the Governor, a''.

On page 3 of the amendment, line 1, strike ''Governor and the'' and insert ''fter consultation with the Governor, a''.

On page 2 of the amendment, strike lines 9 through 12.

On page 3 of the amendment, strike lines 5 through 8.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 6, 2001, at 10 a.m., in SD226.

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

ORDERS FOR THURSDAY, JUNE 7, 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Thursday, June 7. I further ask unanimous consent that on Thursday, immediately following the prayer and 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 the Senate resume consideration of S. 1, the elementary and secondary education bill under the previous order.

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

PROGRAM

Mr. DASCHLE. For the information of all Senators, the Senate will convene on Thursday, June 7, at 9:30 a.m. and resume consideration of the ESEA bill with a rollcall vote in relation to the Nelson-Carnahan amendment at approximately 11:30. Additional rollcall votes are expected throughout the day on Thursday.

Mr. REID. Will the distinguished majority leader yield for a question.

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. It is my understanding the majority leader is going to have a 20-minute time limit on the casting of votes in the Senate. Is that a fair statement?

Mr. DASCHLE. Madam President, this has been a constant lament of both Senator LOTT and myself. He has attempted to address it on occasion. I have always been supportive of the effort, to try to be as managerial with these votes as we can be. He and I have talked about it as recently as just prior to the break.

My intent, in answer to the Senator from Nevada, is to do all that we can to terminate the vote at the end of 20 minutes. I think that is ample time. If we are going to be efficient in the use of our time, we cannot allow these votes to drag on. This has been a source of increasing concern to me personally. So we will do our utmost—in fact, I will ask that the votes be terminated at the end of 20 minutes.

I hope Senators can be made aware that will be the policy and we will implement it. If there is an emergency, we can accommodate that. But I also will attempt to impose some discipline with regard to the votes. We will attempt to implement that beginning tomorrow. I put all Senators on notice in that regard.

Let me also say I have discussed the schedule with Senator LOTT with regard to both Friday and Monday. I know that there were a number of Senators who indicated they had conflicts of some consequence on Friday. Because, as I understand it, some consideration had already been given to those conflicts, I want to respect the decisions made with respect to that consideration. And so in keeping with my understanding of the conversations the Republican leader had with some of our colleagues, there will be no votes on Friday.

It is my intention, however, to be in session on Monday and to at least have one, if not more, votes beginning at 5:30. So there will be votes on Monday; no votes on Friday.

I hope we could respect the agreement Senator LOTT and I had with regard to votes on Fridays and Mondays through the month of June. We laid out a calendar that we expected both of our caucuses to appreciate. I am not going to divert from that. I will respect the days that were committed to with regard to concerns raised about schedule with our colleagues. But I will also insist, on those days that are not on that list, that we have votes Fridays and Mondays.

We have to finish the elementary and secondary education bill next week. We will stay for whatever length of time it takes to finish our work. We have been on it now for several weeks. Senator LOTT has been accommodating in his effort to address the issues of schedule raised by colleagues, but I think next week we must culminate our work with a completion of the bill and a vote on final passage.

So that will be the schedule next week. Votes on Monday, votes throughout the week, with an expectation that we will not complete the week until the bill has been finished. We will have additional comment about the schedule on Monday at a later date.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m. tomorrow, Thursday, June 7, 2001.

Thereupon, the Senate, at 7:03 p.m., adjourned until Thursday, June 7, 2001, at 9:30 a.m.